

SIXTY-EIGHTH DAY

(Monday, May 8, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Goodman
Allen	Gordon, Mrs.
Allison	Hale
Alsup	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Bastrop
Boethel	Harrell of Lamar
Bond	Harris
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Burney	Kerr
Cauthorn	Kersey
Celaya	Kinard
Chambers	King
Clark	Langdon
Cleveland	Lehman
Cockrell	Leonard
Coleman	Leyendecker
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Derden	McNamara
Dickson	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Gilmer	Piner

Pope	Stoll
Ragsdale	Talbert
Reader of Bexar	Tarwater
Reader of Erath	Taylor
Reaves	Tennant
Reed	Thornberry
Rhodes	Thornton
Riviere	Turner
Roach	Vale
Roberts	Vint
Robinson	Voigt
Russell	Waggoner
Schuenemann	Weldon
Segrist	Wells
Shell	Westbrook
Skiles	White
Smith of Frio	Wilson
Smith of Hopkins	Winfree
Smith	Wood
of Matagorda	Worley
Spencer	Wright
Stinson	

Absent—Excused

Anderson	Hartzog
Dwyer	Little

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, in this new day and new week to which Thou hast brought us we must confront problems that are demanding and far-reaching. Wilt Thou help us to know the course that is wise, and give us strength to carry on in every way acceptably to Thee, as we would work for the good of our people and our State. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Dwyer for today, on motion of Mr. Vale.

Mr. Reader of Bexar temporarily for today, on motion of Mr. Fuchs.

Mr. Bradford for today, on motion of Mr. McAlister.

The following Members were granted leaves of absence on account of illness:

Mr. Little for today, on motion of Mr. Boyer.

Mr. Hartzog for today, on motion of Mr. Shell.

Mr. Anderson for today, on motion of Mr. Morse.

RELATIVE TO TRUCK LOAD LIMIT LAW

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 128, by Mr. Burney, Relative to the Truck Load Limit Law.

The resolution having been read second time, on last Friday, with point of order, by Mr. Alsup, that the resolution attempts to amend the statutes, pending.

The Speaker sustained the point of order.

PROVIDING FOR APPOINTMENT OF CERTAIN COMMITTEE

Mr. Shell offered the following resolution:

H. S. R. No. 264, Providing for appointment of certain committee to make certain investigation.

Whereas, The public streams of this State have been contaminated and polluted with residue, filth, and debris such as municipal, industrial and trade wastes gathered from inlets to such streams; and

Whereas, Such pollution is a menace to the public health of this State and detrimental to fish and marine life and recreational purposes, and should in so far as possible be remedied by means of improving such conditions; and

Whereas, There is not sufficient money available from State appropriations to various State Departments charged with preventing of pollution to carry out fully the remedies necessary to eliminate such conditions; and

Whereas, The public generally is interested and affected by, in the matter of public health and the improvement of the conditions prevailing in our public streams; and

Whereas, Many of such citizens including corporations and industries in this State are willing to contribute sums of money to be used by the State Department of Health in the clearing and improving of the pollution now prevailing in the public streams of this State; and

Whereas, Senate Bill No. 47, Chapter 42, page 131 of the First Called Session of the Fortieth Legislature, 1927, the same being carried forth in Vernon's Centennial Statutes as Article 4418f, confers authority upon the Department of Public Health to ac-

cept donations and contributions to be expended in the interest of the public health and the advancement of public health laws; and

Whereas, A Legislative committee created by the Forty-fifth Legislature to investigate the pollution of the public waters of Texas found widespread pollution over the State of Texas, affecting the fresh waters as well as the salt waters of the State and further found the problem so vast that it deemed it necessary that a complete survey of the situation be made; and

Whereas, It is desirable and necessary that the State Department of Public Health avail itself of all such donations and grants; now, therefore, be it

Resolved by the House of Representatives, That the Speaker of the House appoint three Members of the House as a committee, whose duties it will be to at once seek information and avail themselves of all such grants, donations, and gifts as may be available from all sources, and that upon receipt of any such funds, grants, and/or donations that said committee receipt therefor that said committee make and keep a record of such funds, grants and/or donations so received, and that said committee be authorized to employ such secretarial help as may be required in the carrying out of the purpose of this resolution, and that the said committee, after deducting the cost of such secretarial expenses and the cost and expenses of the committee, pay the remainder of such funds to the Department of Health to be used by the Department of Health in making a complete survey of the problem of pollution in the interest of public health and the protection of marine life, and that such funds be used by the Department of Health for the purpose of improvement of the public health and the protection of marine life of this State. And that this committee file a complete report of the activities and an account of funds received, expenditures made, and funds paid to the Department of Health, with the chief clerks of the Forty-seventh Legislature, when it convenes. And for the purpose of paying the actual expenses of the committee herein in the preliminary organization of this committee there is appropriated the sum of Five Hundred (\$500) Dollars or so much thereof as may be necessary for the payment of

the actual expenses of such committee, and the payment of such sums of money as may be required for secretarial purposes. Said funds shall be paid out of the Contingent Expense Funds of the House upon itemized statements made and sworn to by the person claiming thereunder, and before payment shall be approved by the Speaker of the House and the Chairman of the Contingent Expense Funds of the House in the mode and manner that such claims are now by the rules of the House required to be made and it is so resolved.

The resolution was read second time.

Mr. Davis of Upshur raised a point of order, on further consideration of the resolution, at this time, on the ground that it is not within the jurisdiction of the House to carry out its provisions.

The Speaker overruled the point of order.

Question recurring on the resolution by Mr. Shell, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—92

Allen	Fielden
Allison	Galbreath
Alsup	Goodman
Bailey	Gordon, Mrs.
Baker	Hamilton
of Fort Bend	Hankamer
Baker of Grayson	Hardeman
Bell	Hardin
Boethel	Harp
Boyd	Harper
Boyer	Harrell of Lamar
Bradbury	Harris
Bradford	Hull
Broadfoot	Isaacks
Brown	Kern
of Nacogdoches	Kinard
Bundy	King
Burney	Langdon
Cauthorn	Leyendecker
Celaya	Lock
Clark	Loggins
Cleveland	London
Cockrell	Mays
Colson, Mrs.	McAlister
Daniel	McDaniel
Dickison	McDonald
Dickson	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Faulkner	Montgomery
Felty	Morris

Newell
Nicholson
Petsch
Pevehouse
Pope
Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Reed
Riviere
Roberts
Robinson
Russell
Schuenemann
Segrist
Shell

Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Stinson
Taylor
Thornberry
Thornton
Turner
Vale
Voigt
Waggoner
Wells
Wilson
Winfree
Wright

Nays—29

Blankenship	Kennedy
Bray	Kerr
Bridgers	Lehman
Burkett	McFarland
Coleman	Oliver
Cornett	Pace
Crossley	Rhodes
Davis of Jasper	Skiles
Davis of Upshur	Spencer
Ferguson	Stoll
Fuchs	Talbert
Holland	Tennant
Howington	Weldon
Hunt	Wood
Keith	

Absent

Bond	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Chambers	Kersey
Colquitt	Leonard
Corry	Piner
Dean	Roach
Derden	Tarwater
Gilmer	Vint
Hale	Westbrook
Harrell of Bastrop	White
Heflin	Worley
Howard	

Absent—Excused

Anderson	Little
Dwyer	Monkhouse
Hartzog	

MEMORIALIZING CONGRESS IN REGARD TO NATIONAL RELIEF

Mr. Harrell of Lamar offered the following resolution:

H. C. R. No. 131, Memorializing Congress in regard to National relief.

Whereas, It is currently reported by the press, and has been discussed and suggested by the various relief agen-

cies operating and functioning in this State, to the effect that the National Congress and the administrative heads of Departments for relief work are considering means by which said relief agencies of the Federal Government may further administer such relief; and in such suggestions it is reported that the heads of various Departments and their functions will be, by legislation of such Congress, amended so as to merge the various relief agencies now in existence into a more compact and workable program; and

Whereas, At the time of such consideration the will of the people should be made known to our National Congress; and

Whereas, Through the Works Progress Administration, the Public Works Administration, the National Youth Administration, the Civilian's Conservation Corps, the Agricultural Adjustment Act, the National Finance Corporation, and other agencies of Government, great relief has come by and through such agencies to the people in the past who would otherwise have suffered in loss of property and sustenance for themselves and their families; and

Whereas, There are at this time an estimated ten (10) to twelve (12) million unemployed employable persons in the United States, and an estimated five hundred thousand (500,000) of such persons residing in Texas; and

Whereas, In whatever mode or manner these agencies are to be continued, the National Congress should keep in mind the fact that any such measure, while only effective for emergency and to assist in tiding over the most drastic period of depression in the history of our country, should be made adequate to provide work relief and the other forms of relief heretofore granted to the end that the suffering of its citizens be minimized to the greatest extent possible; and

Whereas, Until such time as a more sound economic and business policy has been found, and until industry shall be able to absorb and supply the unemployed employables of this country the Government should take the lead in furnishing such aid, and in fostering work relief of a permanent and substantial nature that will not reap financial loss, but that will prove a splendid investment, and greatest of all, furnish a means of livelihood

to worthy American citizens in this country; and

Whereas, Destitution, hunger and the attendant discomforts thereof, are always conducive to unsound, destructive and subversive attitudes of our citizens; and

Whereas, Unless the Federal Government, through its strong and powerful agencies, takes the lead in the formulation of its laws and programs, so as to obviate and minimize to the greatest degree the destruction and deprivation of its citizens, our ideals of Government will not reach the high standards to which this, the greatest democracy in the world is entitled; and

Whereas, At this time in the formation of new laws and amendments, our National Congress should be apprised, by and through this legislative body, of the conditions and situation prevailing, and as a respectful suggestion, that every and any thought and attempt in the interest of solving this perplexing problem be approached with the greatest care possible to the end that such legislation be made most beneficial; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas, the Senate concurring, memorialize the National Congress in the formation and working out of their program, for the National relief and take into consideration the facts hereinabove set forth, to the end that an opportunity to earn an honest livelihood in the greatest Democratic Government in the world be recognized, and that such laws as may be passed, such rules as may be promulgated by the National Congress, be such as will fully and adequately take into consideration the great number of unemployed employable people in this country, and that some system be worked out that will alleviate against such conditions; and be it further

Resolved, That a copy of such resolution, under the seal of the Chief Clerk, be sent to the Vice President of the United States at Washington, D. C., and that a like copy be sent to the Speaker of the House of Representatives in the National Congress, with the request that this resolution be submitted to the two branches of our National Congress, and it is so resolved.

HARRELL of Lamar,
ROACH.

The resolution was read second time.

On motion of Mr. Harrell of Lamar, the resolution was referred to the Committee on Counties.

RELATIVE TO DISPLAYING OF CERTAIN MAP

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 45, Relative to display of map of proposed Big Bend National Park.

Whereas, The Big Bend Park bill has passed the House and the Senate; and

Whereas, It is contemplated to raise the money by public subscription for the purchase of the land embraced in this area; and

Whereas, There is now on exhibition in the rotunda of the Capitol a relief map of the area; and

Whereas, The people of Texas and the visitors to the State while visiting the Capitol have the opportunity of viewing this map in its present location; now, therefore, be it

Resolved by the Senate, the House concurring, That this map remain on display throughout the summer during which time an extensive campaign will be made in Texas to raise money for the purchase of the land embraced in the area of the proposed Big Bend National Park.

The resolution was read second time, and was adopted.

RELATIVE TO HOUSE BILL NO. 1053

Mr. Bray offered the following resolution:

H. C. R. No. 134, Relative to House Bill No. 1053.

Whereas, House Bill No. 1053 passed the House of Representatives and is now in the hands of the Senate; now, therefore be it

Resolved, That the House of Representatives, the Senate concurring, recall House Bill No. 1053 to the House of Representatives for further consideration.

The resolution was read second time.

(Mr. Thornton in the Chair.)

Mr. Davis of Upshur raised a point of order, on further consideration of the resolution, at this time, on the

ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Dean moved that the time allotted for the consideration of resolutions be extended until the above resolution is disposed of.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—64

Allen	Johnson of Tarrant
Alsup	Kennedy
Baker of Grayson	Kinard
Bell	King
Boethel	Langdon
Bond	Lehman
Boyer	Leonard
Bradford	Leyendecker
Bray	Lock
Brown of Cherokee	Loggins
Bundy	London
Burkett	McAlister
Burney	McFarland
Cauthorn	McMurry
Clark	Newell
Cleveland	Nicholson
Cockrell	Piner
Colquitt	Reader of Bexar
Colson, Mrs.	Reader of Erath
Crossley	Riviere
Daniel	Robinson
Dean	Stinson
Dickison	Stoll
Ferguson	Talbert
Galbreath	Tarwater
Goodman	Tennant
Gordon, Mrs.	Turner
Hamilton	Vale
Hankamer	Voigt
Harrell of Bastrop	White
Heflin	Wood
Hull	Wright

Nays—55

Allison	Faulkner
Bailey	Fielden
Blankenship	Fuchs
Boyd	Hardin
Bradbury	Harris
Brown	Holland
of Nacogdoches	Howard
Chambers	Howington
Coleman	Hunt
Cornett	Isaacks
Corry	Johnson of Ellis
Davis of Jasper	Kern
Davis of Upshur	Kersey
Donaghey	Mays
Dowell	McDaniel

McDonald	Russell
McNamara	Segrist
Mohrmann	Skiles
Montgomery	Smith of Frio
Morris	Smith of Hopkins
Oliver	Taylor
Pace	Thornberry
Pope	Vint
Ragsdale	Waggoner
Reed	Weldon
Rhodes	Wells
Roach	Wilson
Roberts	Winfree

Present—Not Voting

Baker	Spencer
of Fort Bend	Worley
Monkhouse	

Absent

Bridgers	Keith
Broadfoot	Kerr
Celaya	Petsch
Derden	Pevehouse
Dickson	Reaves
Felty	Schuenemann
Gilmer	Shell
Hale	Smith
Hardeman	of Matagorda
Harp	Thornton
Harper	Westbrook
Harrell of Lamar	

Absent—Excused

Anderson	Hartzog
Dwyer	Little

HOUSE BILL NO. 143 ON SECOND READING

On motion of Mr. Westbrook, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 143.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 143, A bill to be entitled "An Act granting and donating to San Augustine, and Sabine counties all the State ad valorem taxes levied and collected for State general revenue purposes upon the property and from persons in each of said respective counties, including ad valorem taxes on rolling stock belonging to railroad companies for a period of two years beginning with the taxable year 1939; etc., and declaring an emergency."

The bill was read second time.

Mr. Westbrook offered the following amendment to the bill:

Amend House Bill No. 143, by striking out all below the enacting clause and, inserting in lieu thereof, the following:

"Section 1. That because of great public calamities occurring in the counties of Sabine and San Augustine by reason of repeated and disastrous overflows of the waters of the Sabine River, and because of the inability of said Counties to provide adequate levees, drainage systems and other protection by reason of the reduction of the tax revenue of said Counties on account of the recent purchase of a large percentage of the lands located in said Counties by the United States Government; there is hereby donated and granted by the State of Texas to Sabine and San Augustine Counties all of the State ad valorem taxes levied and collected in each respective county for general revenue purposes upon the property and from the persons in each respective county including ad valorem taxes on the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law for a period of five years beginning with the taxable year 1939. Said taxes so collected in each of said respective counties shall be used by the County Commissioners' Court of said Counties for the following State purposes: constructing flood control works and improvements in said Counties for soil conservation purposes, and drainage projects, improvements and maintenance, and repair and maintenance of bridges. Taxes hereby donated shall be levied, assessed and collected as now provided by law except that the Assessor and Collector of taxes in each respective county shall forward his report to the State Comptroller of Public Accounts as provided by law and shall pay over to the Treasurer of each respective county all moneys collected by him at the end of each month during the period covered by this donation, except such amounts as now allowed by law for collecting and assessing the same and shall forward a duplicate copy of the receipts given him by the County Treasurer for the said money to the Comptroller.

Sec. 2. That if any Section, clause paragraph or sentence of this Act be declared unconstitutional, it shall not affect the remainder of this Act, and the Legislature hereby declares that

it would have passed this Act without such invalid portions.

Sec. 3. The fact that the United States Government has purchased over 70% of the land in Sabine County, 41% of the land in San Augustine County, thereby taking off the tax rolls of the said Counties a very great portion of the valuation in each of said Counties rendering them incapable of carrying on a county government, and the further fact that said Counties have not and cannot recover from the disastrous results instant to the calamitous circumstances hereinbefore enumerated creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage and it is so enacted."

(Speaker in the Chair.)

Mr. Alsup offered the following amendment to the amendment by Mr. Westbrook:

Amend substitute to House Bill No. 143, by adding a new Section to read as follows:

"The only amount of taxes which shall be remitted shall be that portion of the taxable property which has been taken over by the Federal Government. It shall be the duty of the State Comptroller of Public Accounts to assist in the collection of all ad valorem tax on all property which has not been taken over by the Federal Government."

The amendment was adopted.

The amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 143 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 143 ON THIRD READING

Mr. Westbrook moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 143 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—77

Allen	Loggins
Alsup	Mays
Baker	McDaniel
of Fort Bend	McDonald
Bell	McFarland
Blankenship	McMurry
Boethel	Mohrmann
Boyer	Monkhouse
Bridgers	Montgomery
Brown of Cherokee	Oliver
Bundy	Pace
Chambers	Pope
Cleveland	Ragsdale
Cockrell	Rhodes
Coleman	Riviere
Colson, Mrs.	Robinson
Davis of Jasper	Schuenemann
Dickison	Segrist
Donaghey	Shell
Dowell	Skiles
Fuchs	Smith of Frio
Gilmer	Smith
Goodman	of Matagorda
Gordon, Mrs.	Spencer
Hankamer	Stinson
Hardin	Stoll
Harp	Talbert
Harper	Tarwater
Harrell of Bastrop	Taylor
Harrell of Lamar	Thornton
Holland	Turner
Howard	Vale
Hull	Voigt
Isaacks	Weldon
Johnson of Tarrant	Wells
Kinard	Westbrook
King	Winfree
Lehman	Worley
Leyendecker	Wright
Lock	

Nays—46

Allison	Hunt
Bailey	Johnson of Ellis
Baker of Grayson	Kennedy
Boyd	Kern
Bradbury	Kerr
Bradford	London
Brown	McAlister
of Nacogdoches	McNamara
Burkett	Morris
Burney	Newell
Clark	Nicholson
Colquitt	Petsch
Cornett	Reader of Bexar
Crossley	Reader of Erath
Faulkner	Reed
Ferguson	Roach
Galbreath	Roberts
Hamilton	Russell
Hardeman	Smith of Hopkins
Harris	Tennant
Howington	Thornberry

Vint
Waggoner
White

Wilson
Wood

Absent

Bond	Felty
Bray	Fielden
Broadfoot	Hale
Cauthorn	Heflin
Celaya	Keith
Corry	Kersey
Daniel	Langdon
Davis of Upshur	Leonard
Dean	Pevehouse
Derden	Piner
Dickson	Reaves

Absent—Excused

Anderson	Hartzog
Dwyer	Little

HOUSE BILL NO. 255 WITH SENATE AMENDMENTS

Mr. Thornton called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 255, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings and improvements of the Several State Institutions of Higher Learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause, and declaring an emergency."

Mr. Thornton moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 181 ON SECOND READING

On motion of Mr. Shell (on Mr. Schuenemann's suspension), the regular order of business was suspended, to take up, and have placed on its second

reading and passage to engrossment, House Bill No. 181.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 181, A bill to be entitled "An Act to extend for an additional period of twenty (20) years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the City of Aransas Pass in constructing and maintaining sea walls, break waters, and other shore protections, including wharves forming part or parts of same in order to protect said city from calamitous overflows by donating to it the eight-ninths (8/9) of the ad valorem taxes collected on property and from persons in San Patricio County for period ending August 31, 1960, and providing a penalty for the misapplication of monies thus donated, and declaring an emergency."

The bill was read second time.

Mr. Shell offered the following amendment to the bill:

Amend House Bill No. 181, by striking out all below the enacting clause, and insert the following:

"Section 1. That for the period commencing with the fiscal year beginning September 1, 1920, and ending August 31, 1960, there be, and hereby are, donated and granted by the State of Texas to the City of Aransas Pass, five-ninths (5/9) of the net amounts of the State ad valorem taxes collected upon the property and from persons in the County of San Patricio, including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law, for the same period, there be, and hereby are, donated and granted by the State of Texas, to the City of Sinton, Texas, three-ninths (3/9) of the net amounts of the State ad valorem taxes collected upon the property and from persons in the County of San Patricio, including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law, provided, however, that from and after the year of 1940, all homestead exemptions shall be in effect as provided in Section 1 A, of

Article 8 of the Constitution adopted August 26, 1933.

Section 2. At the end of each month, the Collector of Taxes for San Patricio County shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report, under oath to said Comptroller, showing each and every item of State ad valorem taxes collected by him as provided for in this Act, upon property and from persons within the County of San Patricio, and accompany same with a summarized statement showing full disposition of all such State taxes collected; said Collector shall present such report together with the tax receipt stubs, authorized by law to be kept, to the County Clerk of San Patricio County, who shall within two (2) days compare said report with stubs, and, if the same agree in every particular as regards names, dates and account the Clerk shall certify to its correctness, for which examination and certificate he shall be paid by the Commissioners Court, twenty-five (25c) cents for each certificate and twenty-five (25c) cents for each two hundred (200) tax payers of said report. The said Collector shall then immediately forward his report so certified to the Comptroller and shall pay over to the City Treasurer of the City of Aransas Pass five-ninths (5/9) of all monies collected by him during said month under provisions of this Act and shall pay over to the City Treasurer of the City of Sinton, three-ninths (3/9) of all the monies collected by him during said month under provisions of this Act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt given to him by the Treasurer of the City of Aransas Pass and by the Treasurer of the City of Sinton, for such monies to the Comptroller. The said Collector shall remit to the State Treasury one-ninth (1/9) of all such taxes collected by him from month to month.

Section 3. The Treasurer of the corporation of the City of Aransas Pass and the Treasurer of the Corporation of the City of Sinton, each, shall, at the end of each month make an itemized report under oath to the Comptroller of Public Accounts, showing the amount of money received by him from the Collector of Taxes from

San Patricio County and what disbursements, if any, have been made during said month of such monies.

Section 4. The municipal authorities of the City of Aransas Pass, and the municipal authorities of the City of Sinton each, shall on the first day of each year, cause to be made an itemized statement, under oath and in triplicate, showing the amount of money received by the City of Aransas Pass and by the City of Sinton, under this Act, and how, to whom, and for what purpose the same has been expended. One copy of such statement after having been audited shall be forwarded to and filed by the County Clerk of San Patricio County as hereinafter provided, and the other to the Comptroller of Public Accounts. The said statement shall be sworn to by the Treasurer of the respective cities and the correctness thereof shall be certified by an auditor appointed by the Commissioners Court of San Patricio County, who shall, while auditing said statement, have before him all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said auditor unless he have in his possession legal and proper vouchers therefor, showing compliance with this Act. And upon the completion of said audit the said report and all vouchers shall be attached together, numbered consecutively, and be by said auditor returned to and thereafter safely kept by the County Clerk of San Patricio County as a part of the records of his office.

Sec. 5. The monies herein and hereby granted and donated to the City of Aransas Pass are declared to be trust funds for the purpose of aiding the City of Aransas Pass in paying the interest upon and principal of, and providing sinking fund for payment thereof, bonds theretofore or hereafter issued, the proceeds of which bonds were to be or are to be used exclusively in constructing and maintaining seawalls, breakwaters and other shore protections, including wharves forming part or parts of same, along or out into Red Fish Bay, and to fill in the space between the shore and such seawalls, breakwaters, other shore protections and wharves in order that said city be removed from calamitous overflows and for the purpose of aiding the City of Aransas

Pass in paying the interest upon and principal of, and providing sinking fund for payment thereof, bonds heretofore or hereafter issued to refund any bonds as have been or are so issued. The use and diversion of such monies for any other purpose whatsoever is hereby prohibited; provided that whenever the monies in the hands of the City Treasurer received from the State under the provisions of this or any other law, shall exceed the sum of one year's interest and the sinking fund on the bonds herein referred to that are then outstanding, such excess shall be invested by said city in the purchase of said bonds or bonds of the United States, the State of Texas or the bonds of any county or subdivision thereof, city or town, of the State of Texas; provided that the entire sinking fund, when received by the City Treasurer of said city shall be invested by the municipal authorities of said city, as received, in the bonds herein referred to, or bonds of the United States, the State of Texas, or the bonds of any county or subdivision thereof, city or town of the State of Texas; provided further that when the sinking fund created under the provisions of this Act shall become sufficient to retire all bonds referred to herein, the Act shall cease to operative and the donations herein made shall cease. A violation of the provisions of this Section shall constitute a misapplication of public money and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of Texas.

Section 6. The monies herein and hereby granted and donated to the City of Sinton are declared to be trust funds for the purpose of aiding the City of Sinton in paying the interest upon and principal of, and providing sinking fund for payment thereof, bonds heretofore or hereafter issued, the proceeds of which bonds were to be or are to be used exclusively in constructing sanitary and storm systems by drainage levee and canal construction, including ditches, breakwaters, bridge structures and other protections in, along or draining into Chiltipin Creek, and to build bridges and passages across same and any other necessary drainage systems and protections in order that said city may be removed from calamitous overflows and the dangerous unsanitary condition resulting from such

overflows and for the purpose of aiding the City of Sinton in paying the interest upon any principal of, and providing sinking fund for payment thereof of bonds heretofore or hereafter issued to refund any bonds as have been or are so issued. The use and diversion of such monies for any other purpose whatsoever is hereby prohibited; provided that whenever the monies in the hands of the City Treasurer, received from the State under the provisions of this or any other law, shall exceed the sum of one year's interest and the sinking fund on the bonds herein referred to that are then outstanding, such excess shall be invested by said City in the purchase of said bonds or bonds of the United States, the State of Texas, or the bonds of any county or subdivision thereof, city or town, of the State of Texas; provided that the entire sinking fund, when received by the City Treasurer of said city shall be invested by the municipal authorities of said city, as received in the bonds herein referred to, or bonds of the United States, the State of Texas, or the bonds of any county or subdivision thereof, city or town of the State of Texas; provided further that when the sinking fund created under the provisions of this Act shall become sufficient to retire all bonds referred to herein, this Act shall cease to be operative and the donation herein made shall cease. A violation of the provisions of this Section shall constitute a misapplication of public money and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of Texas.

Section 7. Should one or more of the Sections, sentences, clauses or phrases hereof be declared unconstitutional such shall not affect the validity of the remaining part or parts of this Act."

Section 8. The fact that the greater portion of the business of the City of Aransas Pass and all of the shipping district is located near the shore line of Red Fish Bay, only a few feet above sea level and the fact that the waves are daily eroding the shore line of said bay and inundating valuable property, and the fact that the hurricanes of 1916 and 1919 have demonstrated that without protection to the City of Aransas Pass is in imminent danger of destruction of

again suffering great damage and loss of life and the fact that the entire business and resident portions of the City of Sinton are located in a flat, level coastal section without sufficient fall and outlet to carry away flood waters and that frequent coastal heavy rains cause flood conditions in said city of Sinton and inundating valuable property, and the fact that the excessive rains in 1930, 1933, 1934, and 1938, have demonstrated that without protection and a proper sanitary drainage system, the City of Sinton is in imminent danger of again suffering great damage and destruction of health and loss of life, and the fact that additional improvements of the character referred to herein are very badly needed at this time, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended and this Act takes effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Shell (by unanimous consent), offered the following amendment to the bill:

Amend House Bill No. 181, by adding the words "and said Rule is hereby suspended" in the enacting clause.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 181 was then passed to engrossment by the following vote:

Yeas—65

Bell	Hankamer
Boethel	Hardin
Boyer	Harp
Bradford	Harper
Bridgers	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Bundy	Heflin
Cauthorn	Howard
Celaya	Hull
Chambers	Johnson of Tarrant
Cleveland	Kersey
Cockrell	Kinard
Colson, Mrs.	King
Davis of Jasper	Leyendecker
Dickison	Lock
Felty	Loggins
Galbreath	McAlister
Goodman	McDaniel
Gordon, Mrs.	McDonald

McMurry
McNamara
Mohrmann
Monkhouse
Montgomery
Nicholson
Oliver
Petsch
Pope
Reader of Bexar
Reader of Erath
Rhodes
Riviere
Roach

Robinson
Schuenemann
Shell
Smith of Frio
Smith
of Matagorda
Taylor
Thornton
Turner
Vale
Voigt
Wilson
Winfree
Wright

Nays—57

Allen
Allison
Alsup
Bailey
Baker of Grayson
Blankenship
Bond
Boyd
Bradbury
Brown of Cherokee
Brown
of Nacogdoches
Burkett
Coleman
Cornett
Crossley
Daniel
Davis of Upshur
Faulkner
Ferguson
Fielden
Hardeman
Harris
Holland
Howington
Hunt
Isaacks
Johnson of Ellis
Kennedy

Kern
Kerr
Langdon
Lehman
London
Mays
McFarland
Morris
Newell
Pace
Reed
Roberts
Russell
Segrist
Skiles
Smith of Hopkins
Spencer
Stinson
Stoll
Talbert
Tennant
Thornberry
Vint
Waggoner
Weldon
Wells
White
Wood
Worley

Present—Not Voting

Colquitt

Donaghey

Absent

Baker
of Fort Bend
Bray
Burney
Clark
Corry
Dean
Derdin
Dickson
Dowell
Fuchs

Gilmer
Hale
Hamilton
Keith
Leonard
Pevehouse
Piner
Ragsdale
Reaves
Tarwater
Westbrook

Absent—Excused

Anderson Hartzog
Dwyer Little

MOTION TO PLACE HOUSE BILL
NO. 181 ON THIRD READING

Mr. Shell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 181 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—76

Alsup	Kersey
Anderson	Kinard
Bell	King
Boethel	Leyendecker
Boyer	Lock
Bradford	Loggins
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Bundy	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Chambers	Nicholson
Cleveland	Oliver
Cockrell	Petsch
Colson, Mrs.	Pope
Davis of Jasper	Reader of Bexar
Davis of Upshur	Reader of Erath
Dean	Reed
Dickson	Rhodes
Donaghey	Riviere
Dowell	Roach
Dwyer	Robinson
Felty	Schuenemann
Fuchs	Shell
Galbreath	Smith of Frio
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hankamer	Stinson
Hardin	Tarwater
Harp	Taylor
Harper	Thornton
Harrell of Bastrop	Turner
Harrell of Lamar	Vale
Heflin	Voigt
Howard	Winfree
Hull	Worley
Isaacks	Wright
Johnson of Tarrant	

Nays—53

Allen	Blankenship
Allison	Bond
Bailey	Boyd
Baker of Grayson	Bradbury

Bray	London
Brown	Mays
of Nacogdoches	McFarland
Burkett	McMurry
Clark	Morris
Coleman	Newell
Cornett	Pace
Crossley	Roberts
Daniel	Russell
Faulkner	Segrist
Ferguson	Skiles
Fielden	Smith of Hopkins
Hardeman	Spencer
Harris	Stoll
Holland	Talbert
Howington	Tennant
Hunt	Thornberry
Johnson of Ellis	Vint
Kennedy	Waggoner
Kern	Weldon
Kerr	Wells
Langdon	White
Lehman	Wood

Present—Not Voting

Colquitt

Absent

Baker	Keith
of Fort Bend	Leonard
Burney	McNamara
Corry	Pevehouse
Derden	Piner
Dickison	Ragsdale
Gilmer	Reaves
Hale	Westbrook
Hamilton	Wilson

Absent—Excused

Hartzog	Little
---------	--------

(Mr. Thornton in the Chair.)

HOUSE BILL NO. 686 ON SECOND
READING

On motion of Mr. Harp, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 686.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 686, A bill to be entitled "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent, and declaring an emergency."

The bill was read second time.

Mr. Smith of Matagorda offered the following committee amendments to the bill:

Amend House Bill No. 686, by striking out the figures "\$7,500.00" and inserting in lieu thereof the figures "\$5,000.00".

Amend House Bill No. 686, by adding a new Section thereto, to be known as Section 1a as follows:

"The money herein appropriated is intended only as a loan to the Upper Red River Flood Control and Irrigation District and is to be repaid to the General Revenue Fund of this State from the first revenue received by said District."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 686 was then passed to engrossment.

HOUSE BILL NO. 686 ON THIRD READING

Mr. Harp moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 686 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Allen	Colson, Mrs.
Alsup	Corry
Baker	Daniel
of Fort Bend	Davis of Jasper
Baker of Grayson	Davis of Upshur
Bell	Dickison
Blankenship	Donaghey
Boethel	Dowell
Bond	Faulkner
Boyd	Felty
Boyer	Ferguson
Bradbury	Fielden
Bradford	Fuchs
Bridgers	Galbreath
Broadfoot	Goodman
Brown of Cherokee	Gordon, Mrs.
Bundy	Hamilton
Burkett	Hankamer
Burney	Hardin
Celaya	Harp
Clark	Harper
Cleveland	Harrell of Bastrop
Cockrell	Harrell of Lamar
Coleman	Harris

Holland
Howard
Hull
Isaacks
Johnson of Ellis
Keith
Kern
Kersey
Kinard
King
Lehman
Leonard
Leyendecker
Lock
Loggins
London
Mays
McAlister
McDaniel
McDonald
McFarland
McNamara
Mohrmann
Monkhouse
Morris
Newell
Oliver
Pace
Piner
Pope
Ragsdale

Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Schuenemann
Segrist
Shell
Skiles
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Stoll
Talbert
Tarwater
Taylor
Thornberry
Turner
Vale
Vint
Waggoner
Wells
Westbrook
White
Wilson
Worley
Wright

Nays—16

Allison	Kerr
Bailey	Langdon
Bray	Nicholson
Colquitt	Russell
Crossley	Spencer
Howington	Tennant
Hunt	Weldon
Kennedy	Wood

Present—Not Voting

Brown
of Nacogdoches

Absent

Cauthorn	Johnson of Tarrant
Chambers	McMurry
Cornett	Montgomery
Dean	Petsch
Derden	Pevehouse
Dickson	Robinson
Gilmer	Stinson
Hale	Thornton
Hardeman	Voigt
Heflin	Winfree

Absent—Excused

Anderson	Little
Dwyer	Reader of Bexar
Hartzog	

The Chair then laid House Bill No. 686 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Allen	Kersey
Alsup	King
Baker	Lehman
of Fort Bend	Leonard
Baker of Grayson	Leyendecker
Blankenship	Lock
Boethel	Loggins
Bond	London
Boyd	Mays
Boyer	McAlister
Bradbury	McDaniel
Bradford	McDonald
Bridgers	McFarland
Broadfoot	McMurry
Brown	McNamara
of Nacogdoches	Mohrmann
Bundy	Monkhouse
Burkett	Morris
Cauthorn	Newell
Clark	Pace
Cleveland	Pevehouse
Cockrell	Piner
Colson, Mrs.	Pope
Cornett	Ragsdale
Corry	Reader of Erath
Daniel	Reaves
Davis of Jasper	Reed
Davis of Upshur	Rhodes
Derden	Riviere
Dickison	Roach
Dickson	Roberts
Donaghey	Robinson
Dowell	Schuenemann
Faulkner	Segrist
Felty	Shell
Ferguson	Skiles
Fuchs	Smith of Frio
Galbreath	Smith of Hopkins
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hamilton	Stoll
Hankamer	Talbert
Hardeman	Tarwater
Hardin	Taylor
Harp	Thornberry
Harper	Turner
Harrell of Bastrop	Vale
Harrell of Lamar	Vint
Harris	Waggoner
Holland	Wells
Howard	Westbrook
Isaacks	White
Johnson of Ellis	Wilson
Keith	Worley
Kern	Wright

Nays—19

Allison	Kerr
Bailey	Kinard
Bray	Langdon
Brown of Cherokee	Nicholson
Colquitt	Russell
Crossley	Spencer
Fielden	Tennant
Howington	Weldon
Hunt	Wood
Kennedy	

Absent

Bell	Hull
Burney	Johnson of Tarrant
Celaya	Montgomery
Chambers	Oliver
Coleman	Petsch
Dean	Stinson
Gilmer	Thornton
Hale	Voigt
Heflin	Winfree

Absent—Excused

Anderson	Little
Dwyer	Reader of Bexar
Hartzog	

Mr. Harp moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 1048 ON SECOND READING

On motion of Mr. Hardin, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 1048.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1048, A bill to be entitled "An Act remitting State ad valorem taxes to certain school districts in this State; fixing the term of such remission; stating calamities authorizing such remission, and declaring an emergency."

The bill was read second time.

Mr. Chambers offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "Owens Common School District No. 49, Brown County, Texas."

Mr. Alsup raised a point of order, on further consideration of the amendment, at this time, on the ground that the amendment is not germane to the bill.

The Chair overruled the point of order.

Mr. Chambers withdrew the pending amendment.

Mr. Alsup moved that House Bill No. 1048 be tabled.

The motion to table was lost.

Mr. Alsup asked unanimous consent of the House, that the author of the bill be requested to set out in the bill, by amendment, the amount to be remitted to each district in the bill.

There was no objection offered, and it was so ordered.

Mr. Hardin then offered the following amendment to the bill:

Amend House Bill No. 1048, by inserting wherever possible:

"Provided that no one district set out in this bill shall exceed \$7,500.00."

Mr. Alsup raised a point of order, on further consideration of the above amendment, at this time, on the ground that the amendment was not drawn in accordance with the unanimous consent request.

The Chair sustained the point of order.

Mr. Kern moved that House Bill No. 1048 be postponed until 10:30 o'clock a. m., next Friday.

Mr. Bradbury moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—75

Bailey	Dickson
Baker of Grayson	Donaghey
Bell	Dowell
Blankenship	Faulkner
Boethel	Felty
Bond	Ferguson
Boyd	Fuchs
Boyer	Galbreath
Bradbury	Gordon, Mrs.
Bray	Hamilton
Bundy	Hankamer
Burkett	Hardin
Burney	Harp
Cauthorn	Harper
Celaya	Holland
Chambers	Hull
Cleveland	Johnson of Tarrant
Cockrell	Kennedy
Corry	Kerr
Davis of Jasper	Kinard
Davis of Upshur	King

Leonard	Rhodes
Leyendecker	Riviere
Lock	Robinson
Loggins	Shell
Mays	Skiles
McDaniel	Smith
McMurry	of Matagorda
McNamara	Spencer
Mohrmann	Talbert
Monkhouse	Taylor
Morris	Vale
Pace	Weldon
Pevehouse	Wells
Pope	Westbrook
Ragsdale	White
Reader of Erath	Wilson
Reed	Wright

Nays—53

Allen	Keith
Allison	Kern
Alsup	Kersey
Baker	Lehman
of Fort Bend	London
Bradford	McAlister
Bridgers	McDonald
Broadfoot	McFarland
Brown of Cherokee	Newell
Brown	Nicholson
of Nacogdoches	Petsch
Clark	Piner
Coleman	Roach
Colquitt	Roberts
Cornett	Russell
Crossley	Schuenemann
Daniel	Segrist
Fielden	Stoll
Goodman	Tarwater
Hale	Tennant
Hardeman	Thornberry
Harrell of Bastrop	Turner
Harrell of Lamar	Vint
Harris	Voigt
Howington	Waggoner
Hunt	Wood
Isaacks	Worley
Johnson of Ellis	

Present—Not Voting

Reaves	Stinson
--------	---------

Absent

Colson, Mrs.	Langdon
Dean	Montgomery
Derden	Oliver
Dickison	Smith of Frio
Gilmer	Smith of Hopkins
Heflin	Thornton
Howard	Winfree

Absent—Excused

Anderson	Little
Dwyer	Reader of Bexar
Hartzog	

Mr. Hardin offered the following amendment to the bill:

Amend House Bill No. 1048, by inserting in the proper place, the following:

"Prairie Hill Independent School District	\$7,500.00
Eylan Common School District	5,000.00
Brandon Independent School District	2,000.00
Leesville Common School District	7,500.00
Dewitt Common School District	5,000.00
Hooks Independent School District	5,000.00
Martin Mills Independent School District	4,000.00
Eustace Independent School District	5,000.00
Clyde Independent School District	5,000.00"

Mr. Wood offered the following amendment to the amendment:

Amend amendment to House Bill No. 1048, by adding a new Section at the proper place:

"It is provided further that the amount of taxes remitted by this bill shall not exceed the amount of money that was required to construct said school buildings that were destroyed by such calamity. After this money has been received by said remission the provisions of this Act shall be held null and void."

The amendment was adopted.

The amendment, as amended, was then adopted.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 1048, by adding a new Section to read as follows:

"The State Comptroller of Public Accounts shall ascertain the amount of insurance on any and each school mentioned in this Act and shall reduce said remission in the amount of insurance, if any, on all school buildings."

Mr. Hardin moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—45

Bond	Bundy
Bradbury	Burkett

Cauthorn	McDaniel
Celaya	McMurry
Cockrell	McNamara
Davis of Upshur	Mohrmann
Dean	Morris
Dickson	Pace
Faulkner	Pevehouse
Felty	Pope
Gordon, Mrs.	Ragsdale
Hamilton	Reed
Hardin	Smith of Hopkins
Harp	Smith
Harper	of Matagorda
Harrell of Bastrop	Spencer
Holland	Talbert
Hull	Vale
Johnson of Tarrant	Weldon
Leyendecker	Wells
Lock	White
Loggins	Wilson
Mays	Wright

Nays—75

Allen	Kern
Allison	Kerr
Alsup	Kersey
Bailey	Kinard
Baker	King
of Fort Bend	Langdon
Bell	Lehman
Boethel	London
Boyd	McAlister
Bradford	McDonald
Bray	McFarland
Bridgers	Monkhouse
Broadfoot	Newell
Brown of Cherokee	Nicholson
Brown	Petsch
of Nacogdoches	Piner
Burney	Reader of Erath
Chambers	Reaves
Clark	Riviere
Coleman	Roach
Colquitt	Roberts
Cornett	Robinson
Crossley	Russell
Davis of Jasper	Schuenemann
Donaghey	Segrist
Dowell	Skiles
Ferguson	Stinson
Fielden	Stoll
Galbreath	Taylor
Goodman	Tennant
Hale	Thornberry
Hankamer	Turner
Hardeman	Vint
Harrell of Lamar	Voigt
Harris	Waggoner
Howington	Westbrook
Hunt	Wood
Johnson of Ellis	Worley
Kennedy	

Absent

Baker of Grayson	Howard
Blankenship	Isaacks
Boyer	Keith
Cleveland	Leonard
Colson, Mrs.	Montgomery
Corry	Oliver
Daniel	Rhodes
Derden	Shell
Dickison	Smith of Frio
Fuchs	Tarwater
Gilmer	Thornton
Heflin	Winfree

Absent—Excused

Anderson	Little
Dwyer	Reader of Bexar
Hartzog	

REASON FOR VOTE

The Legislature has seen fit to remit taxes to the richest county of Texas and certainly this cause is at least equally as worthy.

SPENCER.

Question then recurring on the amendment by Mr. Alsup, it was adopted.

Question—Shall House Bill No. 1048 pass to engrossment?

(Speaker in the Chair.)

HONORARY PAGE APPOINTED

The Speaker announced the appointment of Bobby Waltrip as Honorary Page.

MESSAGE FROM THE SENATE

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House, the Senate has passed the following:

H. B. No. 255, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits, making appropriations for the support, maintenance, buildings and improvements of the several State Institutions of Higher Learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the

State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause, and declaring an emergency." (With amendments.)

S. B. No. 453, A bill to be entitled "An Act to provide for acquiring and acceptance of title of about 14 acres of the original Five League Grant, from San Felipe Park Association and Corporation of San Felipe de Austin to about six hundred fifty (650) acres of land situated in Austin County, Texas, etc.; providing for management and control, beautifying and improving said land, the same to be designated by name as 'Stephen F. Austin State Park,' and declaring an emergency."

S. B. No. 452, A bill to be entitled "An Act providing for the payment of the salaries of County Superintendents in certain counties; and providing for the payment of office expenses and traveling expenses of County Superintendents in certain counties, and declaring an emergency."

The Senate has adopted

S. C. R. No. 43, Permitting Carl Anderton to sue the State of Texas and the State Highway Department, etc.

H. C. R. No. 126, Instructing the Enrolling Clerk of the House of Representatives to strike out and delete from said House Bill No. 954 the words and figures "Article 6899d."

H. C. R. No. 132, Requesting the Governor to return House Bill No. 533 to the House of Representatives for further consideration.

The Senate has refused to concur in House amendments to Senate Bill No. 117, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Aikin, Redditt, Weinert, Small and Cotten.

The Senate has adopted

Conference Committee Report on House Bill No. 166, by the following vote: Yeas, 29; Nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 190, by the following vote: viva voce.

The Senate has refused to concur in House amendments to Senate Joint Resolution No. 4, and requests the ap-

pointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Moffett, Small, Moore, Shivers and Isbell.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 453, to the Committee on Appropriations.

Senate Bill No. 452, to the Committee on Education.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 125, Authorizing certain correction in House Bill No. 544.

S. B. No. 54, "An Act amending Article 2654 of the Revised Civil Statutes of 1925, as amended by Chapter 52, of the Acts of the Second Called Session of the Forty-first Legislature, by adding thereto a new Article, to be known as Article 2654e, authorizing and directing the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, to except and exempt certain students from other Nations of this Continent from the payment of all dues, fees and charges, and declaring an emergency."

H. B. No. 991, "An Act making it unlawful to shoot, take, trap, snare or otherwise kill any wild quail in Camp County, Texas, other than on Friday of each week during the open season and on legal holidays, during such period, affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 135, "An Act further regulating all life, health and accident assessment insurance companies or as-

sociations or burial societies, repealing conflicting laws, authorizing the Board of Insurance Commissioners to limit the use of names, and to pass upon the worthiness of officers; requiring bonds of all employees having access to moneys; requiring deposits and limiting advertisements thereof; providing for keeping rosters and records of clubs, classes or groups and prohibiting transfer of members, classes of groups to other associations or to other classes or groups without the approval of the Board; requiring the keeping of adequate records satisfactory to the Board; prescribing the contents and form of applications and certificates, and renewal thereof, and declaring an emergency."

H. B. No. 910, "An Act validating, ratifying and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten (27,410), according to the last Federal Census, or any subsequent Federal Census; and where such school districts have a scholastic population, according to the 1938-1939 scholastic enumeration as shown in the Census Division of the Department of Education, of not less than one hundred (100), nor more than one hundred and thirty (130) pupils within the scholastic age; making said law cumulative of all laws now in force in this State, not in conflict herewith, and declaring an emergency."

S. C. R. No. 45, Relative to display of Map of Big Bend Park Area.

H. C. R. No. 132, Recalling House Bill No. 533 from the Governor.

H. C. R. No. 126, Authorizing certain correction in House Bill No. 954.

RECESS

On motion of Mr. Hull, the House, at 12:10 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Bond for this afternoon, on account of important business, on motion of Mr. Coleman.

Mr. Fuchs for this afternoon, on account of attending a funeral, on motion of Mr. Rhodes.

HOUSE BILL NO. 205 WITH SENATE AMENDMENTS

Mr. Robinson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 205, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

On motion of Mr. Robinson, the House concurred in the Senate amendments, by the following vote:

Yeas—122

Allen	Dowell
Allison	Falkner
Alsup	Felty
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Galbreath
Baker of Grayson	Gilmer
Bell	Gordon, Mrs.
Boethel	Hale
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardeman
Bray	Hardin
Bridgers	Harp
Brown	Harrell of Bastrop
of Nacogdoches	Harrell of Lamar
Bundy	Harris
Burney	Heflin
Cauthorn	Howard
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Keith
Colquitt	Kennedy
Colson, Mrs.	Kerr
Cornett	Kersey
Corry	Kinard
Crossley	King
Davis of Jasper	Langdon
Davis of Upshur	Lehman
Dean	Leonard
Derden	Leyendecker
Dickson	Little
Donaghey	Lock

London	Russell
Mays	Schuenemann
McDaniel	Segrist
McDonald	Shell
McFarland	Skiles
McMurry	Smith of Frio
McNamara	Smith of Hopkins
Mohrmann	Spencer
Monkhouse	Stinson
Montgomery	Stoll
Morris	Talbert
Newell	Tarwater
Nicholson	Taylor
Pace	Tennant
Petsch	Thornberry
Pevehouse	Thornton
Piner	Turner
Pope	Vale
Ragsdale	Vint
Reader of Erath	Waggoner
Reaves	Weldon
Rhodes	Westbrook
Riviere	Wilson
Roach	Winfree
Roberts	Worley
Robinson	Wright

Present—Not Voting

Broadfoot

Absent

Blankenship	Loggins
Brown of Cherokee	Oliver
Burkett	Reed
Daniel	Smith
Dickison	of Matagorda
Goodman	Voigt
Harper	Wells
Holland	White
Isaacks	Wood
Kern	

Absent—Excused

Anderson	Fuchs
Bond	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar

(Mr. Thornton in the Chair.)

HOUSE BILL NO. 1048 ON PAS-SAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 1048, remitting State ad valorem taxes to certain school districts, etc., on its passage to engrossment.

The bill having heretofore been read second time.

Mr. Bradbury offered the following amendment to the bill:

Amend House Bill No. 1048, by adding a new Section to read, as follows:

"The amount each school district shall receive under this Act shall be determined on the following basis: The State Comptroller shall determine the amount of insurance carried by each school district on their buildings, equipment and facilities; which were destroyed or materially damaged, and this amount shall be deducted from the amount of the replacement or repairs of the buildings, equipment and facilities, and the school district shall receive the difference in the two amounts, but the amounts shall never exceed the amount needed or used for the repair or replacement of buildings, equipment and facilities when added to the amount of the insurance received, and shall never exceed the amount stipulated for each school district set forth in the Alsup amendment itemizing the amount for each district."

BRADBURY,
WHITE.

The amendment was adopted.

Mr. Chambers offered the following amendment to the bill:

Amend House Bill No. 1048 by adding, "the amount of \$3,000.00 shall be remitted to the Owens Common School District in Brown County, Texas."

The amendment was adopted.

Mr. Alsup raised points of order, on further consideration of all amendments offered to House Bill No. 1048, to include other school districts, on the ground that the amendments are not germane to the bill.

The Chair severally overruled the points of order.

Mr. Harris offered the following amendment to the bill:

Amend House Bill No. 1048, by adding at the proper place, the following: "Snyder Independent School District, \$5,000.00."

The amendment was adopted.

Mr. Thornberry offered the following amendment to the bill:

Amend House Bill No. 1048, on page 1, line 26, by adding the words and figures: "Webberville Common School District in Travis County, \$1,000.00."

THORNBERRY,
BOYD.

The amendment was adopted.

Mr. Stoll offered the following amendment to the bill:

Amend House Bill No. 1048, by adding on line 26, after "Callahan County", the following: "the Leander Common School District, Williamson County, not to exceed \$14,500.00".

The amendment was adopted.

Mr. Mays offered the following amendment to the bill:

Amend House Bill No. 1048, Section 1, by adding to the names of school districts receiving remissions, "Douglasville School District, Cass County, \$5,000.00".

The amendment was adopted.

Mr. Skiles offered the following amendment to the bill:

Amend House Bill No. 1048, on page 1, line 26, by adding the following:

"Lake Dallas School District in Denton County, Texas, to reimburse said School District for loss of taxable property due to the construction within said District of Lake Dallas, the amount of taxes remitted to this school being limited to such an amount as together with present taxes now accruing for payment of bonds and interest, shall enable said School District to meet the annual principal and interest payments on all outstanding bonds of said District."

SKILES,
CORY.

Mr. Hardin moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Skiles, it was adopted.

Mr. Ferguson offered the following amendment to the bill:

Amend House Bill No. 1048, so as to include "the New London School District, the amount not to exceed \$150,000.00."

The amendment was lost.

Mr. London offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "Montague Independent School District in Montague County, Ten Thousand (\$10,000.00) Dollars".

The amendment was adopted.

Mr. Clark offered the following amendment to the bill:

Amend House Bill No. 1048, Section 1, line 26, by adding the following: "Strawn Independent School Dis-

trict the sum of Five Thousand (\$5,000.00) Dollars".

The amendment was adopted.

Mr. Hankamer raised a point of order, on further consideration of House Bill No. 1048, on the ground that the bill violates Section 10 of Article VIII of the Constitution.

The Chair overruled the point of order.

Mr. Oliver offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "Timpson Independent School District, Shelby County, Texas, in the amount of \$5,000.00, and Tenaha Independent School District in Shelby County, in the amount of \$5,000.00".

The amendment was adopted.

Mr. Harris offered the following amendment to the bill:

Amend House Bill No. 1048, by adding at the proper place the following: "Old Glory Common Rural School District, in Stonewall County, \$5,000.00".

The amendment was adopted.

Mr. Loggins offered the following amendment to the bill:

Amend House Bill No. 1048, by adding in the proper place in Section 2, the following: "Three Thousand (\$3,000.00) Dollars shall be appropriated for the Saron School District of Trinity County which was destroyed by fire recently".

Mr. Wood raised a point of order, on further consideration of the amendment, on the ground that the amendment is not germane inasmuch it makes an appropriation.

The Chair sustained the point of order.

Mr. Roberts offered the following amendment to the bill:

Amend House Bill No. 1048, by adding in proper place "Very Independent School District, Knox County \$1,000.00".

The amendment was adopted.

Mr. Davis of Upshur offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "Ore City Independent School District in Upshur County, Texas, for the sum of Seven Thousand, Five Hundred (\$7,500.00) Dollars".

The amendment was adopted.

Mr. Fielden moved that House Bill No. 1048 be tabled.

The motion to table was lost.

Mr. Spencer offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "the Toole and Mallard Prairie Common School Districts in Henderson County, \$5,000.00 each".

The amendment was adopted.

Mr. Pace offered the following amendment to the bill:

Amend House Bill No. 1048, by adding another school district to be "the Valley Creek Common School District in Cooke County, Texas, and Elliott School District in Cooke County, an amount not to exceed \$4,000.00 each".

Mr. Alsup raised a point of order, that the amendments in order to be germane must state the emergency in order to have the taxes remitted.

The Chair overruled the point of order.

The amendment was then adopted.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "the Mulberry Common School District of Harrison County, not to exceed \$1,500.00".

The amendment was adopted.

Mr. Broadfoot offered the following amendment to the bill:

Amend House Bill No. 1048, by adding at proper place "Remit to all school districts in Fannin County all State taxes in said District wherein the Government of the United States has, within the last five (5) years, bought farm land in said District."

The amendment was adopted.

Mr. Isaacks offered the following amendment to the bill:

Amend House Bill No. 1048, by inserting in line 26, page 1, after the word "Texas" the words "Clint Independent School District in El Paso County, \$5,500.00".

The amendment was adopted.

Mr. Davis of Jasper offered the following amendment to the bill:

Amend House Bill No. 1048, by including "Call County Line Common School District of Jasper County, not to exceed \$3,000.00".

The amendment was adopted.

Mr. Davis of Jasper moved to reconsider the vote by which the amendment was adopted.

The motion to reconsider prevailed.

Question then recurring on the amendment by Mr. Davis of Jasper, it was lost.

Mr. Vale offered the following amendment to the bill:

Amend House Bill No. 1048, by adding "the Gruller Common School District in Starr County, Texas, not to exceed \$15,000.00 Dollars".

The amendment was adopted.

Mr. Coleman offered the following amendment to the bill:

Amend House Bill No. 1048, by adding the following at the proper place: "Bundis Common School District, Madison County, Texas".

The amendment was adopted.

Mr. Burney offered the following amendment to the bill:

Amend House Bill No. 1048, by adding the following: "Independent District No. 1 of Coryell County, amount of \$1,000.00".

The amendment was adopted.

Mr. Smith of Frio offered the following amendment to the bill:

Amend House Bill No. 1048, by including "Simmons Independent School District of Live Oak County, not to exceed \$5,000.00".

The amendment was adopted.

Mr. Morris offered the following amendment to the bill:

Amend House Bill No. 1048, by adding a new Section to read as follows: "All taxes shall be remitted to all school districts for the year 1938-39".

The amendment was adopted.

Mr. Waggoner offered the following amendment to the bill:

Amend House Bill No. 1048, by adding the following in the proper place: "Remit State taxes to the amount of \$12,000.00 to cover loss by fire to grammar school buildings in White-wright Independent School District. Taxes to be remitted until a total of \$12,000.00 has been remitted."

The amendment was adopted.

Mr. Reaves offered the following amendment to the bill:

Amend House Bill No. 1048, Section 1, line 26, by adding the following: "Tennison School District in Coke County the sum of Two Thousand (\$2,000.00) Dollars".

The amendment was adopted.

Mr. Ferguson offered the following amendment to the bill:

Amend House Bill No. 1048, so as to include "the New London School District for an amount not to exceed \$100,000.00".

The roll of the House was called, on the above amendment, and developed the fact there was not a quorum present.

Mr. Wood raised the point of order, that there was not a quorum present.

The Chair sustained the point of order.

Mr. Johnson of Tarrant moved a call of the House, for the purpose of securing and maintaining a quorum, and the call was duly ordered.

On motion of Mr. Johnson of Tarrant, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

The roll of the House was called, and the following Members were present:

Allen	Donaghey
Allison	Dowell
Alsup	Faulkner
Bailey	Felty
Baker	Ferguson
of Fort Bend	Fielden
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Gordon, Mrs.
Boethel	Hale
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardeman
Bray	Hardin
Broadfoot	Harp
Brown of Cherokee	Harper
Brown	Harrell of Bastrop
of Nacogdoches	Harrell of Lamar
Bundy	Harris
Burney	Heflin
Cauthorn	Holland
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Cockrell	Johnson of Tarrant
Coleman	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Jasper	Langdon
Davis of Upshur	Lehman
Derden	Leyendecker
Dickison	Little
Dickson	Lock

Loggins	Segrist
London	Shell
Mays	Skiles
McDaniel	Smith of Frio
McFarland	Smith of Hopkins
McMurry	Smith
McNamara	of Matagorda
Mohrmann	Spencer
Monkhouse	Stinson
Montgomery	Stoll
Morris	Talbert
Newell	Tarwater
Nicholson	Taylor
Oliver	Tennant
Pace	Thornton
Pevehouse	Turner
Piner	Vale
Pope	Vint
Ragsdale	Voigt
Reader of Erath	Waggoner
Reaves	Weldon
Reed	Wells
Rhodes	Westbrook
Riviere	White
Roach	Winfree
Roberts	Wilson
Robinson	Wood
Russell	Worley
Schuenemann	Wright

Absent

Bridgers	Johnson of Ellis
Burkett	Keith
Colquitt	Leonard
Dean	McDonald
Goodman	Petsch
Howard	Thornberry

Absent—Excused

Anderson	Fuchs
Bond	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar

The Chair announced that there was a quorum present.

Question again recurring on the amendment by Mr. Ferguson, it was adopted.

Mr. Kersey offered the following amendment to the bill:

Amend House Bill No. 1048, so as to include "Bridgeport Independent School District, not to exceed \$3,000.00 Dollars".

The amendment was adopted.

Mr. Morris moved to reconsider the vote by which the call of the House was ordered.

The motion to reconsider prevailed.

Question then recurring on the motion for the call of the House, it prevailed.

(Speaker in the Chair.)

Mr. Fielden offered the following amendment to the bill:

Amend House Bill No. 1048, by striking out the enacting clause.

Mr. Hardin moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—76

Allen	Kern
Allison	Kersey
Baker of Grayson	Langdon
Bell	Lehman
Boethel	Leyendecker
Boyer	Little
Bradbury	Lock
Bridgers	Loggins
Broadfoot	McMurry
Brown of Cherokee	McNamara
Bundy	Mohrmann
Cauthorn	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Colson, Mrs.	Oliver
Cornett	Pace
Corry	Pevehouse
Daniel	Reader of Erath
Davis of Jasper	Rhodes
Dickison	Robinson
Dickson	Shell
Dowell	Skiles
Faulkner	Smith of Hopkins
Felty	Smith
Ferguson	of Matagorda
Galbreath	Spencer
Gordon, Mrs.	Stinson
Hamilton	Talbert
Hankamer	Taylor
Hardin	Thornton
Harp	Turner
Harper	Vale
Harrell of Lamar	Weldon
Harris	Wells
Heflin	White
Holland	Wilson
Howard	Worley
Hull	Wright
Johnson of Tarrant	

Nays—37

Bailey	Cleveland
Baker	Colquitt
of Fort Bend	Crossley
Boyd	Davis of Upshur
Bray	Derden
Brown	Fielden
of Nacogdoches	Hale
Clark	Hardeman

Howington	Riviere	Davis of Jasper	Mays
Hunt	Roach	Dickison	McDaniel
Johnson of Ellis	Roberts	Donaghey	McMurry
Keith	Russell	Dowell	Mohrmann
Kennedy	Schuenemann	Faulkner	Monkhouse
Kerr	Smith of Frio	Felty	Montgomery
McDaniel	Stoll	Ferguson	Morris
McDonald	Tarwater	Gilmer	Oliver
McFarland	Thornberry	Goodman	Pace
Newell	Vint	Hamilton	Pevehouse
Petsch	Waggoner	Hardin	Pope
Reed		Harp	Reader of Erath
	Absent	Harper	Reed
Alsup	Leonard	Harrell of Lamar	Robinson
Blankenship	London	Harris	Shell
Burkett	Mays	Heflin	Skiles
Burney	Nicholson	Holland	Smith of Frio
Celaya	Piner	Howard	Smith of Hopkins
Chambers	Pope	Johnson of Ellis	Spencer
Dean	Ragsdale	Johnson of Tarrant	Stoll
Donaghey	Reaves	Kern	Talbert
Gilmer	Segrist	Kersey	Taylor
Goodman	Tennant	Kinard	Vale
Harrell of Bastrop	Voigt	King	Weldon
Isaacks	Westbrook	Lehman	Wells
Kinard	Winfree	Leyendecker	White
King	Wood	Little	Wilson
	Absent—Excused	Lock	Worley
Anderson	Fuchs	Loggins	Wright
Bond	Hartzog		Nays—50
Bradford	McAlister	Allison	Kerr
Dwyer	Reader of Bexar	Alsup	Langdon
		Baker	McDonald
		of Fort Bend	McFarland
		Bell	McNamara
		Boyd	Newell
		Bray	Nicholson
		Brown	Petsch
		of Nacogdoches	Reaves
		Clark	Rhodes
		Coleman	Riviere
		Colquitt	Roach
		Crossley	Roberts
		Daniel	Russell
		Davis of Upshur	Schuenemann
		Derden	Smith
		Fielden	of Matagorda
		Galbreath	Stinson
		Hale	Tarwater
		Hankamer	Tennant
		Hardeman	Thornberry
		Harrell of Bastrop	Thornton
		Howington	Vint
		Hunt	Voigt
		Isaacks	Waggoner
		Keith	Wood
		Kennedy	
			Absent
		Blankenship	Colson, Mrs.
		Broadfoot	Dean
		Cauthorn	Dickson
		Celaya	Gordon, Mrs.

House Bill No. 1048 was then passed to engrossment.

Mr. Hardin moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 1048 ON THIRD READING

Mr. Hardin moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1048 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—74

Allen	Bundy
Bailey	Burkett
Baker of Grayson	Burney
Boethel	Chambers
Boyer	Cleveland
Bradbury	Cockrell
Bridgers	Cornett
Brown of Cherokee	Corry

Hull
Leonard
London
Piner
Ragsdale

Segrist
Turner
Westbrook
Winfree

Absent—Excused

Anderson
Bond
Bradford
Dwyer

Fuchs
Hartzog
McAlister
Reader of Bexar

REASON FOR VOTE

I am voting against House Bill No. 1048 because in my opinion the bill, with amendments, presents the silliest, most ridiculous bill of the many that has come before this Legislature. I am opposed to tax remissions and when we step aside from a strict interpretation of the Constitution in this respect, we should not be surprised in what happened as regards this bill. My opinion is that we should be devoting our time in an effort to raise revenues to take care of the social security programs, rather than remitting taxes and failing to raise the money to take its place. Everytime we remit taxes, that money should be replaced from some source. So far we have been unable to raise revenues to replace these remissions, or for any other purpose.

CROSSLEY.

TO SUSPEND CERTAIN RULES

Mr. Fielden moved to suspend all necessary Rules in order to reconsider the vote by which the amendments to House Bill No. 1048 were heretofore adopted, and by which the bill was passed to engrossment.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—84

Bailey	Crossley
Baker of Grayson	Daniel
Bell	Davis of Jasper
Blankenship	Derden
Boethel	Donaghey
Boyer	Dowell
Bridgers	Faulkner
Brown of Cherokee	Felty
Bundy	Fielden
Burkett	Galbreath
Celaya	Gilmer
Cockrell	Gordon, Mrs.
Colquitt	Hale
Cornett	Hamilton
Corry	Hankamer

Hardeman	Pace
Hardin	Petsch
Harp	Pevehouse
Harper	Piner
Harrell of Bastrop	Pope
Harrell of Lamar	Reader of Erath
Heflin	Reed
Howard	Robinson
Howington	Schuenemann
Isaacks	Shell
Johnson of Ellis	Smith of Hopkins
Johnson of Tarrant	Spencer
Keith	Stinson
Kennedy	Talbert
Kersey	Taylor
Kinard	Tennant
Lehman	Thornton
Leyendecker	Turner
Lock	Vint
McDaniel	Voigt
McMurry	Weldon
McNamara	Wells
Mohrmann	White
Monkhouse	Wilson
Montgomery	Winfree
Morris	Worley
Oliver	Wright

Nays—46

Allen	Kerr
Allison	King
Alsup	Langdon
Baker	Little
of Fort Bend	Loggins
Boyd	London
Bradbury	Mays
Bray	McDonald
Broadfoot	Newell
Brown	Nicholson
of Nacogdoches	Reaves
Cauthorn	Rhodes
Chambers	Riviere
Clark	Roach
Cleveland	Roberts
Coleman	Russell
Davis of Upshur	Skiles
Dickison	Smith of Frio
Dickson	Stoll
Ferguson	Thornwater
Harris	Thornberry
Holland	Vale
Hunt	Waggoner
Kern	Wood

Present—Not Voting

Segrist

Absent

Burney	McFarland
Colson, Mrs.	Ragsdale
Dean	Smith
Goodman	of Matagorda
Hull	Westbrook
Leonard	

Absent—Excused

Anderson	Fuchs
Bond	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar

HOUSE BILL NO. 313 ON SECOND READING

On motion of Mr. Davis of Jasper, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 313.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 313, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Newton, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said Counties practically fifty per cent (50%) of the land in said Counties, thereby taking off the tax rolls so much valuation that said Counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said Counties, remitting, releasing, granting, and donating to said Counties all State ad valorem taxes levied or to be levied on property in said Counties, including the rolling stock of railroads for the years 1939-1940, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

The bill was read second time.

Mr. Alsup offered the following amendment to the bill:

Amend by adding a new Section to read, as follows:

"The only amount of taxes which shall be remitted shall be that portion of the taxable property which has been taken over by the Federal Government. It shall be the duty of the State Comptroller of Public Accounts to assist in the collection of all ad valorem tax on all property which has not been taken over by the Federal Government."

Mr. Wright moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment by Mr. Alsup, it was adopted.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 313, page 2, line 5, by changing the period to comma in said line, and adding the following:

"It is specifically provided that in the event the Federal Government reimburses the counties mentioned in this Act for taxes lost by reason of the purchase of this land then the provisions of this Act shall be held null and void."

The amendment was adopted.

Mr. Davis of Jasper offered the following amendment to the bill:

Amend House Bill No. 313, by striking out all below the enacting clause, and inserting in lieu thereof, the following:

"Section 1. That from and after the effective date of this Act, the Assessor and Collector of Taxes for each of the Counties of Jasper, Sabine, San Augustine, Shelby, Trinity, Houston, Tyler, Angelina, San Jacinto and Walker, in this State shall ascertain the number of acres of land purchased or leased by the Federal Government in their respective counties and shall make a report under oath to the Commissioners' Court of such county as to the number of acres of such lands purchased and/or leased by the Federal Government in such county.

"Sec. 2. Upon the filing of said report, as provided in Section 1 of this Act, with the Commissioners' Court by the Assessor and Collector of Taxes, the Commissioners' Court of each county above named shall at their regular annual meeting as a Board of Equalization in May of each year fix a valuation upon such lands; the valuation fixed upon such lands shall be the same as fixed by the Equalization Board upon other and similar adjoining lands.

"Sec. 3. The Assessor and Collector of Taxes of the counties hereinabove named shall make an itemized report under oath, showing the valuation fixed by the Board of Equalization on such lands and the amount of the county ad valorem taxes that would accrue thereon, were they not exempt by reason of purchase or lease

by the Federal Government, based upon such valuations and fixed at the prevailing rate for the county ad valorem taxes on lands similarly situated. The Assessor and Collector of Taxes shall show in said report the total amount of county ad valorem taxes which would have been assessed against all lands within said County owned or leased by the Federal Government, and shall forward said report to the Comptroller of Public Accounts at Austin.

"Sec. 4. The Comptroller of Public Accounts shall upon receipt of such report check the same as to the correctness thereof, and if found correct, shall approve such report. The total amount of county ad valorem taxes which would have been assessed against the lands owned or leased by the Federal Government within such county, as shown by the report of the County Tax Assessor and Collector, and approved by the Comptroller of Public Accounts, shall be the measure of the amount of the State ad valorem tax to be granted, donated and released to such county, as hereinafter provided.

"Sec. 5. There is hereby donated, granted and released to each of the Counties of Jasper, Sabine, San Augustine, Shelby, Trinity, Houston, Tyler, Angelina, San Jacinto and Walker, all of the State ad valorem taxes levied and collected in each said respective county for general revenue purposes upon property and from persons in each said respective county including the rolling stocks of railroads, or so much of such State ad valorem taxes collected as shall be equal to the amount to be determined in accordance with Section 4 hereof. The taxes hereby donated shall be levied and collected as now provided by law except that the Assessor and Collector of Taxes in each respective county shall forward his report to the State Comptroller of Public Accounts as provided by law, and shall pay over to the Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as are allowed by law for collecting and assessing the same; and shall forward a duplicate copy of the receipts given him by the County Treasurer for said money to the Comptroller.

"Sec. 6. It is expressly provided, however, in this Act that if and when the Federal Government shall reim-

burse the counties named in Section 1 of this Act for the amount of taxes lost to said Counties, this Act upon receipt of such reimbursements shall as to the county or counties receiving such reimbursements become null and void, and of no further force and effect; it being the purpose of this Act to relieve such counties from loss until reimbursement occurs.

"Sec. 7. That if any Section, clause, paragraph or sentence of this Act shall be declared unconstitutional, it is hereby declared to be the intention of the Legislature that the remainder of such Act shall remain in full force and effect.

"Sec. 8. The fact that the United States Government has purchased or leased a large acreage of cut-over lands in the counties named in Section 1 hereof, thereby taking off of the tax rolls great valuations for taxable purposes in each of such counties; and the fact that the loss of such taxable values in such counties render them incapable of carrying on county government and paying the expenses incident thereto; and the further fact that said counties have not yet recovered from the disastrous results incident to the calamitous occurrences hereinabove enumerated creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 313 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 313 ON THIRD READING

Mr. Davis of Jasper moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 313 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—81

Allen	Kennedy
Baker	Kersey
of Fort Bend	King
Bell	Leyendecker
Blankenship	Lock
Boethel	Loggins
Boyer	Mays
Bradbury	McFarland
Bray	McMurry
Bridgers	McNamara
Broadfoot	Mohrmann
Brown of Cherokee	Monkhouse
Bundy	Montgomery
Cauthorn	Newell
Celaya	Oliver
Chambers	Pace
Cleveland	Petsch
Cockrell	Pevehouse
Colson, Mrs.	Pope
Cornett	Ragsdale
Corry	Riviere
Davis of Jasper	Robinson
Derden	Schuenemann
Dickison	Skiles
Donaghey	Smith
Dowell	of Matagorda
Felty	Spencer
Ferguson	Stinson
Gilmer	Stoll
Gordon, Mrs.	Tarwater
Hamilton	Taylor
Hankamer	Thornton
Hardin	Turner
Harp	Vale
Harper	Weldon
Harrell of Bastrop	Westbrook
Harrell of Lamar	White
Harris	Wilson
Heflin	Winfree
Holland	Worley
Howard	Wright
Johnson of Tarrant	

Nays—44

Allison	Hardeman
Alsup	Howington
Bailey	Hunt
Baker of Grayson	Johnson of Ellis
Boyd	Kern
Brown	Kerr
of Nacogdoches	Langdon
Burkett	Lehman
Burney	London
Clark	Morris
Coleman	Nicholson
Colquitt	Reader of Erath
Crossley	Reaves
Daniel	Reed
Davis of Upshur	Rhodes
Faulkner	Roach
Fielden	Roberts
Galbreath	Russell
Hale	Smith of Hopkins

Talbert	Waggoner
Tennant	Wells
Thornberry	Wood
Vint	

Present—Not Voting

Isaacks	Segrist
---------	---------

Absent

Dean	Little
Dickson	McDaniel
Goodman	McDonald
Hull	Piner
Keith	Shell
Kinard	Smith of Frio
Leonard	Voigt

Absent—Excused

Anderson	Fuchs
Bond	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar

HOUSE BILL NO. 961 ON SECOND READING

On motion of Mr. Cockrell, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment, House Bill No. 961.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 961, A bill to be entitled "An Act to aid the Counties of Lampasas, San Saba, and McCulloch in protecting their flooded areas and public court houses from calamitous overflows by donating and granting to them all State ad valorem, occupation and poll taxes collected on property and from persons in said Counties for a period of ten (10) years, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

MOTION TO PLACE HOUSE BILL No. 961 ON THIRD READING

Mr. Cockrell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 961 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—78

Baker	Bell
of Fort Bend	Boethel

Boyd	King
Boyer	Leyendecker
Bradbury	Lock
Bray	Loggins
Broadfoot	Mays
Bundy	McDaniel
Burney	McMurry
Cauthorn	McNamara
Celaya	Mohrmann
Chambers	Monkhouse
Cleveland	Montgomery
Cockrell	Oliver
Coleman	Petsch
Colson, Mrs.	Pevehouse
Corry	Pope
Davis of Jasper	Ragsdale
Derden	Reader of Erath
Dickison	Rhodes
Donaghey	Riviere
Dowell	Roach
Ferguson	Robinson
Gordon, Mrs.	Schuenemann
Hamilton	Shell
Hankamer	Skiles
Hardin	Smith of Frio
Harp	Smith of Hopkins
Harper	Smith
Harrell of Bastrop	of Matagorda
Harrell of Lamar	Tarwater
Harris	Taylor
Heflin	Thornton
Holland	Vale
Howard	Voigt
Howington	Waggoner
Hunt	Weldon
Johnson of Tarrant	Westbrook
Keith	Winfree
Kersey	Worley

Nays—47

Allen	Kennedy
Allison	Kern
Alsup	Kerr
Bailey	Langdon
Baker of Grayson	Lehman
Bridgers	London
Brown of Cherokee	McFarland
Brown	Morris
of Nacogdoches	Newell
Burkett	Nicholson
Clark	Pace
Colquitt	Reed
Cornett	Roberts
Crossley	Russell
Daniel	Spencer
Davis of Upshur	Stinson
Dickson	Stoll
Faulkner	Talbert
Fielden	Tennant
Galbreath	Thornberry
Hale	Vint
Hardeman	Wells
Isaacks	Wilson
Johnson of Ellis	Wood

Present—Not Voting

Segrist

Absent

Blankenship	Little
Dean	McDonald
Felty	Piner
Gilmer	Reaves
Goodman	Turner
Hull	White
Kinard	Wright
Leonard	

Absent—Excused

Anderson	Fuchs
Bond	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar

SENATE BILL NO. 176 ON SECOND READING

On motion of Mr. Loggins, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 176.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 176, A bill to be entitled "An Act to aid conservation districts, navigation districts, conservation and reclamation districts, flood control districts, and river authorities, created by the Acts of the Legislature of this State, in carrying out the powers, duties and functions conferred upon such districts and river authorities by the Legislature, and declaring an emergency."

The bill was read second time.

Mr. Kerr offered the following amendment to the bill:

Amend Senate Bill No. 176, by adding a new subsection thereto on page 4 of the printed bill, as follows:

"(16) Lower Colorado River Authority: Blanco, Burnett, Llano, Travis, Bastrop, Fayette, Colorado, Wharton, San Saba and Matagorda."

KERR,
THORNBERRY,
BOYD.

Mr. Johnson of Tarrant moved the previous question, on the pending amendment, and the passage of Senate Bill No. 176 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question recurring on the amendment by Mr. Kerr, it was adopted.

Mr. Wood offered the following amendment to the bill:

Amend Senate Bill No. 176, by striking out line 37, page 1.

(Pending consideration of the amendment, Mr. Thornton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Loggins moved to table the amendment.

The motion to table was lost.

Mr. Johnson of Tarrant moved the previous question, on the pending amendment, and the passage of Senate Bill No. 176 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question recurring on the amendment by Mr. Wood, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—77

Allen	Harper
Allison	Harrell of Lamar
Alsup	Harris
Bailey	Howington
Baker of Grayson	Hunt
Blankenship	Isaacks
Boethel	Johnson of Ellis
Bond	Kern
Boyd	Kersey
Bradbury	Langdon
Bridgers	Lehman
Broadfoot	Leyendecker
Brown	London
of Nacogdoches	Mays
Bundy	McDonald
Burkett	McFarland
Burney	McMurry
Cauthorn	McNamara
Clark	Morris
Colquitt	Newell
Cornett	Nicholson
Corry	Oliver
Daniel	Pace
Davis of Upshur	Piner
Derden	Reaves
Dickson	Reed
Dowell	Rhodes
Faulkner	Roach
Ferguson	Robinson
Galbreath	Russell
Gordon, Mrs.	Schuenemann
Hale	Segrist
Hamilton	Skiles
Hardeman	Smith of Hopkins

Stinson
Stoll
Thornberry
Thornton
Vint

Waggoner
Weldon
Wells
Wilson
Wood

Nays—56

Baker	Kerr
of Fort Bend	Kinard
Bell	King
Boyer	Little
Bray	Lock
Brown of Cherokee	Loggins
Chambers	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Petsch
Colson, Mrs.	Pope
Crossley	Ragsdale
Davis of Jasper	Reader of Erath
Dean	Riviere
Dickison	Roberts
Donaghey	Shell
Felty	Smith of Frio
Fielden	Smith
Gilmer	of Matagorda
Goodman	Spencer
Hankamer	Talbert
Hardin	Tarwater
Harp	Taylor
Harrell of Bastrop	Turner
Heflin	Voigt
Hull	Westbrook
Johnson of Tarrant	White
Keith	Worley
Kennedy	Wright

Absent

Celaya	Pevehouse
Holland	Tennant
Howard	Vale
Leonard	Winfree
McDaniel	

Absent—Excused

Anderson	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar
Fuchs	

Mr. Wood moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 266 ON SECOND READING

On motion of Mr. Bell, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 266.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 266, A bill to be entitled "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas, and declaring an emergency."

The bill was read second time, and was passed to third reading.

Mr. Bell moved to reconsider the vote by which the bill was passed to third reading, and to table to motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE SENATE BILL NO. 266 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 266 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—92

Alsup	Harp
Baker	Harper
of Fort Bend	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Boethel	Heflin
Bond	Hull
Boyd	Isaacks
Boyer	Johnson of Ellis
Bradbury	Johnson of Tarrant
Brown of Cherokee	Keith
Cauthorn	Kennedy
Chambers	Kern
Clark	Kersey
Cleveland	King
Cockrell	Langdon
Colson, Mrs.	Leyendecker
Cornett	Little
Corry	Lock
Davis of Jasper	Loggins
Dean	London
Dickison	Mays
Dickson	McDaniel
Donaghey	McDonald
Dowell	McMurry
Felty	McNamara
Ferguson	Mohrmann
Gilmer	Monkhouse
Gordon, Mrs.	Montgomery
Hale	Morris
Hamilton	Newell
Hardeman	Petsch
Hardin	Pevehouse

Pope	Tarwater
Ragsdale	Taylor
Reader of Erath	Thornberry
Reaves	Thornton
Reed	Vale
Rhodes	Vint
Riviere	Voigt
Robinson	Weldon
Segrist	Wells
Smith of Hopkins	White
Smith	Wilson
of Matagorda	Winfree
Stinson	Worley
Talbert	Wright

Nays—29

Allen	Hunt
Allison	Kerr
Bailey	Lehman
Baker of Grayson	McFarland
Bray	Nicholson
Brown	Pace
of Nacogdoches	Roach
Coleman	Roberts
Colquitt	Russell
Crossley	Skiles
Daniel	Spencer
Davis of Upshur	Stoll
Faulkner	Tennant
Galbreath	Waggoner
Howington	Wood

Absent

Bridgers	Howard
Broadfoot	Kinard
Bundy	Leonard
Burkett	Oliver
Burney	Piner
Celaya	Schuenemann
Derden	Shell
Fielden	Smith of Frio
Goodman	Turner
Hankamer	Westbrook
Holland	

Absent—Excused

Anderson	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar
Fuchs	

HOUSE BILL NO. 524 ON SECOND READING

On motion of Mr. Fielden, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 524.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 524, A bill to be entitled "An Act to amend Section 10 of Arti-

cle 4, of Chapter 495, Acts, 1936, Forty-fourth Legislature, Third Called Session, by striking therefrom paragraph D, and substituting therefor a new paragraph D, exempting from the operation of said Act county, district or community fairs, and declaring an emergency."

The bill was read second time.

Mr. Crossley offered the following amendment to the bill:

Amend House Bill No. 524, by inserting after comma after the word "amusement" in line 20, page 1 of said bill, the following: "local Chamber of Commerce organizations".

The amendment was adopted.

Mr. Fielden offered the following amendment to the bill:

Amend House Bill No. 524, Section 1, paragraph D, line 4, by inserting between the words "away" and "during", the following words: "by such organization".

The amendment was adopted.

Mr. Kennedy moved that House Bill No. 524 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 66; Nays, 60.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—60

Allen	Faulkner
Allison	Galbreath
Alsup	Gordon, Mrs.
Bailey	Hamilton
Boethel	Harp
Bond	Harris
Boyer	Howington
Bridgers	Hunt
Brown	Kennedy
of Nacogdoches	Kinard
Bundy	Leyendecker
Burkett	Little
Burney	McDonald
Clark	McMurry
Cleveland	McNamara
Cockrell	Monkhouse
Coleman	Newell
Davis of Jasper	Nicholson
Davis of Upshur	Oliver
Dickison	Pace
Dickson	Riviere
Donaghey	Roach

Roberts
Russell
Schuenemann
Segrist
Smith of Frio
Spencer
Stinson
Stoll
Talbert

Turner
Voigt
Weldon
Westbrook
Wilson
Wood
Worley
Wright

Nays—57

Baker	Keith
of Fort Bend	Kern
Bell	Kerr
Blankenship	Kersey
Boyd	Lehman
Bradbury	McFarland
Brown of Cherokee	Mohrmann
Cauthorn	Montgomery
Celaya	Morris
Chambers	Pevehouse
Colson, Mrs.	Piner
Cornett	Pope
Corry	Reader of Erath
Crossley	Reaves
Dean	Reed
Derden	Rhodes
Ferguson	Skiles
Fielden	Smith of Hopkins
Gilmer	Smith
Goodman	of Matagorda
Hardeman	Tarwater
Hardin	Taylor
Harper	Tennant
Harrell of Bastrop	Thornberry
Harrell of Lamar	Thornton
Heflin	Vale
Hull	Vint
Isaacks	Wells
Johnson of Ellis	Winfree
Johnson of Tarrant	

Absent

Baker of Grayson	Leonard
Bray	Lock
Broadfoot	Loggins
Colquitt	London
Daniel	Mays
Dowell	McDaniel
Felty	Petsch
Hale	Ragsdale
Hankamer	Robinson
Holland	Shell
Howard	Waggoner
King	White
Langdon	

Absent—Excused

Anderson	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar
Fuchs	

(Pending consideration of the verification, Mr. Reed occupied the Chair, temporarily.)

(Speaker in the Chair.)

The Speaker announced that the motion to table House Bill No. 524 prevailed.

MOTION TO SET HOUSE BILL NO. 578 FOR SPECIAL ORDER

Mr. Ragsdale moved that House Bill No. 578 be set for special order at 10:30 o'clock a. m., tomorrow.

The motion was lost by the following vote:

Yeas—46

Allison	Johnson of Ellis
Alsup	Johnson of Tarrant
Bailey	Kennedy
Baker	Kern
of Fort Bend	Lehman
Baker of Grayson	Lock
Bell	Loggins
Bradbury	McFarland
Bray	Oliver
Brown of Cherokee	Pevehouse
Chambers	Ragsdale
Cockrell	Reader of Erath
Coleman	Spencer
Cornett	Stinson
Corry	Stoll
Dowell	Talbert
Faulkner	Taylor
Fielden	Tennant
Hamilton	Thornton
Hardin	Voigt
Harper	Weldon
Harrell of Lamar	Wells
Holland	Worley
Howington	

Nays—78

Allen	Goodman
Blankenship	Gordon, Mrs.
Boethel	Hankamer
Bond	Hardeman
Boyd	Harp
Boyer	Harris
Bridgers	Howard
Bundy	Hull
Cauthorn	Hunt
Celaya	Isaacks
Clark	Keith
Colson, Mrs.	Kerr
Crossley	Kersey
Daniel	Kinard
Davis of Upshur	King
Dean	Langdon
Derden	Leonard
Dickison	Leyendecker
Dickson	Little
Donaghey	London
Ferguson	Mays
Galbreath	McDonald
Gilmer	McMurry

McNamara	Robinson
Mohrmann	Russell
Monkhouse	Schuenemann
Montgomery	Segrist
Morris	Smith of Frio
Newell	Smith of Hopkins
Pace	Tarwater
Petsch	Thornberry
Piner	Vale
Pope	Vint
Reaves	Waggoner
Reed	White
Rhodes	Wilson
Riviere	Winfree
Roach	Wood
Roberts	Wright

Present—Not Voting

Brown
of Nacogdoches

Absent

Broadfoot	Heflin
Burkett	McDaniel
Burney	Nicholson
Cleveland	Shell
Colquitt	Skiles
Davis of Jasper	Smith
Felty	of Matagorda
Hale	Turner
Harrell of Bastrop	Westbrook

Absent—Excused

Anderson	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar
Fuchs	

REASON FOR VOTE

I voted to set this bill for special order because I want to abolish a number of boards and consolidate some of them for the sake of economy.

SPENCER.

HOUSE BILL NO. 85 ON SECOND READING

On motion of Mr. Hull (on Mr. Reed's suspension), the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 85.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 85, A bill to be entitled "An Act making an appropriation to pay the apportionment to all counties in this State in which the officers are compensated on a salary basis as provided in Section 6, Subsection a,

Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session; making an appropriation to all such counties having a Criminal District Attorney or a County Attorney performing the duties of the District Attorney as provided in Section 13, Subsection b, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, and declaring an emergency."

The bill was read second time.

Mr. Hull offered the following committee amendment to the bill:

Amend House Bill No. 85, by striking out everything below the enacting clause, and insert in lieu thereof, the following:

"Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$447,347.30 to the State Comptroller of Public Accounts to be apportioned to the counties of Texas according to the terms and provisions of Section 13 (b), Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session. Said sum being the amount due and owing to the counties of Texas for the years 1936 to August 31, 1939, as follows:

1936	\$201,672.57
1937	149,568.28
1938	57,724.95
1939	38,381.50"

The amendment was adopted.

Mr. Hull offered the following amendment to the bill:

Amend House Bill No. 85, by adding an emergency clause.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 85 was then passed to engrossment.

MOTION TO PLACE HOUSE BILL NO. 85 ON THIRD READING

Mr. Hull moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 85 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—76

Bailey	Johnson of Tarrant
Baker	Keith
of Fort Bend	Kennedy
Baker of Grayson	Kersey
Blankenship	Kinard
Boyd	Lehman
Bradbury	Leonard
Bradford	Little
Bridgers	Lock
Brown	London
of Nacogdoches	Mays
Burkett	McAlister
Burney	McDaniel
Cauthorn	McDonald
Celaya	McFarland
Chambers	Mohrmann
Cleveland	Monkhouse
Cornett	Montgomery
Corry	Oliver
Crossley	Pevehouse
Daniel	Piner
Davis of Jasper	Reader of Erath
Derden	Reaves
Dickison	Reed
Fielden	Rhodes
Galbreath	Schuenemann
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Stinson
Hankamer	Talbert
Hardin	Thornberry
Harper	Turner
Harrell of Bastrop	Vale
Heflin	Waggoner
Holland	Weldon
Howard	Wilson
Hull	Winfree
Hunt	Wood
Johnson of Ellis	Wright

Nays—53

Allen	Kern
Allison	Kerr
Alsup	King
Boethel	Langdon
Boyer	Leyendecker
Bray	McMurry
Brown of Cherokee	McNamara
Bundy	Morris
Clark	Newell
Cockrell	Pace
Coleman	Pope
Davis of Upshur	Riviere
Dickson	Roach
Donaghey	Roberts
Dowell	Robinson
Faulkner	Russell
Ferguson	Skiles
Gilmer	Smith of Frio
Harp	Smith of Hopkins
Harrell of Lamar	Smith
Harris	of Matagorda
Howington	Spencer

Stoll	Vint
Tarwater	Voigt
Taylor	Wells
Tennant	White
Thornton	Worley

Absent

Bell	Hardeman
Broadfoot	Isaacks
Colquitt	Loggins
Colson, Mrs.	Nicholson
Dean	Petsch
Felty	Ragsdale
Goodman	Westbrook

Absent—Excused

Anderson	Fuchs
Bond	Hartzog
Dwyer	Reader of Bexar

HOUSE BILL NO. 575 ON SECOND READING

On motion of Mr. Johnson of Tarrant, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 575.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 575, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labeling of bedding as to whether new or second-hand materials are used; prohibiting the use of materials from dump-grounds, junk yards and hospitals; requiring the germicidal treatment of second-hand materials; authorizing the State Board of Health with enforcement; requiring permits for manufacture, repair or renovation and application of germicidal process; the payment of fees for permits; providing for the issuance of adhesive stamps and registration for selling bedding; providing that proceeds be placed in special Bedding Sanitation Fund for use in administration of Act; providing a penalty; requiring bedding manufacturers or renovators to keep premises sanitary; excepting all bedding manufactured, repaired, renovated and/or sold prior to effective date; providing that if any part of this Act shall be declared unconstitutional, it shall not affect any other part thereof, and declaring an emergency."

The bill was read second time.

Mr. Bell offered the following committee amendments to the bill:

Amend House Bill No. 575, Section 4, by inserting between the second comma and the word "shall", immediately following said comma, the following words: "for resale".

Amend House Bill No. 575, Section 6, paragraph (b), by striking out in the last sentence of said paragraph after the word "including", the words "the date of same", and inserting in lieu thereof the following: "the source of material, date of treatment".

Amend House Bill No. 575, Section 7, paragraph (a), by inserting between the word "shall" and the word "sell", the following: "manufacture, renovate".

The amendments were severally adopted.

Mr. Langdon offered the following committee amendment to the bill:

Amend House Bill No. 575, Section 2, Subsection (c), by adding in line 4, after the word "thereon", the following: "for the purpose of defeating any of the provisions of this Act".

LANGDON,
HEFLIN.

Mr. Bell offered the following amendment to the committee amendment:

Amend committee amendment No. 4 to House Bill No. 575, by striking out the words "line 4" and inserting in lieu thereof the words "line 30".

The amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Johnson of Tarrant offered the following committee amendment to the bill:

Amend House Bill No. 575, page 3, Section 9, by striking out after the word "offense" in line 4, the following: "and in default of payment of such fine, to undergo an imprisonment of not less than thirty (30) days for each separate offense, provided that the term of imprisonment at any one time for total computed offenses shall not exceed six (6) months".

Mr. Bell offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 575, by striking out the words "page 3" and "line 4", and

inserting in lieu thereof, the words "page 5" and "line 19".

The amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Bell offered the following amendment to the bill:

Amend House Bill No. 575, page 2, line 17, by striking out the word "mexed" and substituting in lieu thereof, the word "mixed".

The amendment was adopted.

Mr. Vint offered the following amendment to the bill:

Amend House Bill No. 575, by adding after the word "bedding" in line 16, page 2 of the printed bill, the following words: "and type or grade of cotton and all other materials used in filling mattress to which attached when new materials are used."

The amendment was adopted.

Mr. McDonald offered the following amendment to the bill:

Amend House Bill No. 575, by adding after Section 2, Subsection E, a new Section to be known as Section F, as follows:

"Dust extractors shall be used in all mattress factories, and by all persons renovating mattresses under the terms of this Act."

The amendment was lost.

Mr. Langdon offered the following amendment to the bill:

Amend House Bill No. 575, by striking out all of Section 8, and substituting therefor a new Section 8, to read, as follows:

"All monies obtained from the sale of stamps, fees, and all other monies collected in the administration of this Act shall be deposited in the State Treasury, to the credit of a fund to be known as 'Bedding Sanitation Fund,' and an appropriation from said fund, in an amount which shall never exceed Three Thousand (\$3,000.00) Dollars per year, and in no case more than the amount on hand in said fund, is hereby made and authorized to pay for expenses in the administration of this Act, and said expenses shall be paid by drafts for the proper amounts drawn upon said fund and signed by the State Health Officer.

"If, at any time when the books and records of the Department are audited, as provided for in Section 5

of this Act, it is found that there is more than Three Thousand, Five Hundred (\$3,500.00) Dollars on hand in the hereinabove named 'Bedding Sanitation Fund,' and in the hands of the Department, then all monies over and above that total amount of Three Thousand, Five Hundred (\$3,500.00) Dollars shall be permanently diverted to the General Revenue Fund of this State."

LANGDON,
WOOD,
DANIEL,
WORLEY.

Mr. Tennant moved the previous question on the pending amendment, and the engrossment of House Bill No. 575, and the main question was ordered.

Question recurring on the amendment by Mr. Langdon, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—71

Allen	Kern
Blankenship	Kerr
Boyer	Kersey
Bradbury	Kinard
Bridgers	King
Brown of Cherokee	Langdon
Bundy	Lehman
Burkett	Lock
Chambers	Mays
Clark	McNamara
Cockrell	Mohrmann
Coleman	Oliver
Cornett	Petsch
Corry	Pevehouse
Crossley	Pope
Daniel	Reader of Erath
Davis of Jasper	Rhodes
Davis of Upshur	Roberts
Derden	Russell
Dickson	Skiles
Donaghey	Smith of Frio
Dowell	Spencer
Faulkner	Stoll
Felty	Talbert
Ferguson	Tarwater
Fielden	Taylor
Gilmer	Tennant
Goodman	Thornton
Hale	Turner
Hardin	Weldon
Harris	Westbrook
Holland	Wilson
Howington	Wood
Hunt	Worley
Isaacks	Wright
Kennedy	

Nays—58

Allison	Johnson of Tarrant
Alsup	Keith
Bailey	Leonard
Baker	Little
of Fort Bend	Loggins
Baker of Grayson	London
Bell	McDaniel
Boethel	McDonald
Bond	McFarland
Boyd	McMurry
Bray	Montgomery
Brown	Morris
of Nacogdoches	Newell
Cauthorn	Pace
Celaya	Piner
Cleveland	Reaves
Dickison	Reed
Galbreath	Riviere
Gordon, Mrs.	Roach
Hamilton	Robinson
Hankamer	Schuenemann
Hardeman	Segrist
Harp	Shell
Harper	Smith of Hopkins
Harrell of Bastrop	Stinson
Harrell of Lamar	Thornberry
Heflin	Voigt
Howard	Waggoner
Hull	Wells
Johnson of Ellis	White

Absent

Broadfoot	Nicholson
Burney	Ragsdale
Colquitt	Smith
Colson, Mrs.	of Matagorda
Dean	Vale
Leyendecker	Vint
Monkhouse	Winfree

Absent—Excused

Anderson	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar
Fuchs	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 575 was then passed to engrossment.

Mr. Bell moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 575 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended,

and that House Bill No. 575 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—82

Allison	Johnson of Tarrant
Baker	Keith
of Fort Bend	Lehman
Baker of Grayson	Leonard
Bell	Little
Blankenship	Lock
Boethel	Loggins
Bond	McAlister
Boyd	McDaniel
Boyer	McDonald
Bradbury	McFarland
Bradford	Montgomery
Bray	Morris
Bridgers	Newell
Broadfoot	Pace
Brown of Cherokee	Piner
Brown	Reaves
of Nacogdoches	Reed
Burney	Rhodes
Cauthorn	Riviere
Celaya	Roach
Cleveland	Robinson
Cockrell	Schuenemann
Colquitt	Shell
Dean	Smith of Hopkins
Dickison	Smith
Dickson	of Matagorda
Dowell	Stinson
Faulkner	Talbert
Galbreath	Taylor
Gordon, Mrs.	Tennant
Hale	Thornberry
Hankamer	Thornton
Hardeman	Turner
Harp	Vale
Harper	Vint
Harrell of Bastrop	Voigt
Heflin	Waggoner
Howard	Wells
Hull	White
Hunt	Wood
Isaacks	Worley
Johnson of Ellis	

Nays—52

Allen	Crossley
Alsup	Daniel
Bailey	Davis of Jasper
Bundy	Davis of Upshur
Burkett	Derden
Chambers	Donaghey
Clark	Felty
Coleman	Ferguson
Cornett	Fielden
Corry	Gilmer

Hamilton	Mohrmann
Hardin	Oliver
Harrell of Lamar	Pevehouse
Harris	Pope
Holland	Reader of Erath
Howington	Roberts
Kennedy	Russell
Kern	Skiles
Kerr	Smith of Frio
Kersey	Spencer
Kinard	Stoll
King	Tarwater
Langdon	Weldon
London	Westbrook
McMurry	Wilson
McNamara	Wright

Absent

Colson, Mrs.	Nicholson
Goodman	Petsch
Leyendecker	Ragsdale
Mays	Segrist
Monkhouse	Winfree

Absent—Excused

Anderson	Hartzog
Dwyer	Reader of Bexar
Fuchs	

SPECIAL ORDER SET

Mr. Fielden moved that House Bill No. 723 be set for special order at 10:30 o'clock a. m., tomorrow.

The motion prevailed by the following vote:

Yeas—122

Allen	Cleveland
Allison	Cockrell
Alsup	Coleman
Bailey	Colson, Mrs.
Baker	Cornett
of Fort Bend	Crossley
Baker of Grayson	Daniel
Bell	Davis of Jasper
Blankenship	Davis of Upshur
Boethel	Dean
Bond	Derden
Boyd	Dickison
Boyer	Donaghey
Bradbury	Faulkner
Bray	Ferguson
Bridgers	Fielden
Brown of Cherokee	Galbreath
Brown	Gilmer
of Nacogdoches	Goodman
Bundy	Hale
Burkett	Hamilton
Burney	Hankamer
Cauthorn	Hardeman
Celaya	Hardin
Chambers	Harp
Clark	Harper

Harrell of Bastrop	Piner
Harrell of Lamar	Pope
Harris	Reader of Erath
Heflin	Reaves
Holland	Reed
Howard	Riviere
Howington	Roach
Hull	Roberts
Hunt	Robinson
Isaacks	Russell
Johnson of Ellis	Schuenemann
Johnson of Tarrant	Segrist
Keith	Skiles
Kennedy	Smith of Hopkins
Kern	Smith
Kerr	of Matagorda
Kersey	Spencer
Kinard	Stinson
King	Stoll
Langdon	Talbert
Lehman	Taylor
Leonard	Tennant
Little	Thornberry
Lock	Thornton
Loggins	Turner
London	Vale
McDaniel	Vint
McDonald	Voigt
McFarland	Waggoner
McNamara	Weldon
Monkhouse	Wells
Montgomery	Westbrook
Morris	White
Newell	Wilson
Oliver	Wood
Pace	Worley
Pevehouse	

Nays—7

Dickson	Mohrmann
Dowell	Smith of Frio
Felty	Wright
McMurry	

Absent

Broadfoot	Petsch
Colquitt	Ragsdale
Corry	Rhodes
Gordon, Mrs.	Shell
Leyendecker	Tarwater
Mays	Winfree
Nicholson	

Absent—Excused

Anderson	Hartzog
Bradford	McAlister
Dwyer	Reader of Bexar
Fuchs	

SPECIAL COMMITTEE
APPOINTED

Mr. Keith moved that the Rule be suspended and that the Speaker appoint a special committee of five

Members to prepare a calendar of local and uncontested bills for tomorrow evening.

The motion prevailed by the following vote:

Yeas—85

Allen	Kersey
Allison	Kinard
Bailey	Lehman
Bell	Little
Boethel	Lock
Bond	London
Boyd	McDaniel
Boyer	McDonald
Bradbury	McNamara
Bray	Mohrmann
Bridgers	Montgomery
Brown of Cherokee	Morris
Brown of Nacogdoches	Newell
Bundy	Oliver
Burkett	Pace
Burney	Petsch
Cauthorn	Pevehouse
Clark	Piner
Cleveland	Reader of Erath
Cockrell	Reaves
Coleman	Reed
Colson, Mrs.	Rhodes
Cornett	Robinson
Corry	Segrist
Dickson	Stinson
Ferguson	Stoll
Galbreath	Talbert
Gilmer	Tarwater
Goodman	Taylor
Gordon, Mrs.	Tennant
Hale	Thornberry
Hamilton	Thornton
Hardeman	Turner
Hardin	Vale
Harp	Vint
Harris	Waggoner
Heflin	Weldon
Howard	Wells
Hunt	Westbrook
Keith	Wilson
Kern	Wood
Kerr	Worley
	Wright

Nays—31

Alsup	Harrell of Bastrop
Chambers	Harrell of Lamar
Daniel	Howington
Davis of Jasper	Hull
Davis of Upshur	Johnson of Ellis
Dean	Johnson of Tarrant
Derden	Kennedy
Dickison	King
Donaghey	Langdon
Faulkner	McMurry
Fielden	Riviere
Hankamer	Roach

Roberts	Smith
Russell	of Matagorda
Smith of Frio	Spencer
Smith of Hopkins	White

Present—Not Voting

McFarland

Absent

Baker	Leonard
of Fort Bend	Leyendecker
Baker of Grayson	Loggins
Blankenship	Mays
Broadfoot	Monkhouse
Celaya	Nicholson
Colquitt	Pope
Crossley	Ragsdale
Dowell	Schuenemann
Felty	Shell
Harper	Skiles
Hartzog	Voigt
Holland	Winfree
Isaacks	

Absent—Excused

Anderson	Fuchs
Bradford	McAlister
Dwyer	Reader of Bexar

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Hankamer, Keith, Wood, Alsup and Morris.

HONORARY PAGE APPOINTED

The Speaker announced the appointment of Robert Edwin Jones as honorary page.

RELATIVE TO HOUSE SIMPLE RESOLUTION NO. 264

Mr. Kinard asked unanimous consent of the House, to amend House Simple Resolution No. 264, Relative to Certain Investigation of Streams in Texas, so as to include five Members instead of three.

There was no objection offered and it was so ordered.

MESSAGE FROM THE SENATE

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 90, Permitting E. L. Martin to bring suit against the Texas Highway Commission and the State of Texas. (With amendment.)

H. C. R. No. 121, Granting Ragland Clinic Hospital permission to sue the State of Texas. (With amendment.)

The Senate has passed

S. B. No. 436, A bill to be entitled "An Act amending Section 1 of House Bill No. 115, Acts, Fortieth Legislature, First Called Session, and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, etc.; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 973, A bill to be entitled "An Act providing for and fixing compensation for County Auditors in certain counties, and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act providing that Commissioners' Courts in certain counties shall have the power to provide facilities and financial aid to government agencies and bureaus having activities within the county, and declaring an emergency."

H. B. No. 1002, A bill to be entitled "An Act ratifying, validating and confirming the publication of every ordinance imposing any penalty, fine, or forfeiture heretofore passed and approved by any incorporated city or town, etc.; providing that this Act shall not affect pending litigation, and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 70, by the following vote: viva voce.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 436, to the Committee on Education.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been

read severally, the following enrolled bills:

H. B. No. 954, "An Act relating to marks and brands of live stock in Chambers County, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said County; without any cost to owner and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Chambers County shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said County; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in said County for a period of thirty (30) days, and declaring an emergency."

S. B. No. 190, "An Act providing for preference of employment in all State Departments of this State of honorably discharged soldiers, sailors, nurses and marines of the Army and Navy of the United States, etc.; and declaring an emergency."

H. B. No. 934, "An Act providing for the consolidation of corporations organized under Subdivision 81 of Article 1302 of the Revised Civil Statutes of 1925, and for the consolidation of such a corporation with similar corporations organized under the laws of the United States or any State or Territory for similar purposes; and providing for the agreement of consolidation and the manner of its approval; and for filing and recording of the articles of consolidation; and providing that nothing hereunder may modify or repeal the laws of this State relating to monopolies or trusts; and providing for the payment of supplemental franchise tax in the event said consolidation shall increase the capital stock over that of the consolidated corporations, and declaring an emergency."

H. B. No. 166, "An Act to amend Senate Bill No. 249, Chapter 122, of

the General Laws passed by the Regular Session of the Thirty-eighth Legislature, and approved March 23, 1923, being Article 2797 of the Revised Civil Statutes of 1925, providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds, and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds; repealing all laws and parts of laws, general and special, in conflict herewith, and declaring an emergency."

H. B. No. 544, "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750) and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, including common school districts, independent school districts, consolidated school districts, all county line school districts in which the school building is located in such counties having a population of not less than two thousand, seven hundred and fifty (2,750) and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, rural high school district, and all other school districts, groups or annexations of whole districts or parts of districts, whether created by General or Special Laws or by County Boards of Trustees; . . . etc., and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Ferguson:

H. B. No. 1063, A bill to be entitled "An Act to amend Article 2687 of the Revised Public School Laws of Texas, relating to meetings and salaries of County School Board members. Providing a salary of Five (\$5.00) Dollars per day, upon the approval of the County Superintendent and a majority of the County Board members, in counties with a population of not less than thirty-two thousand, four hundred (32,400) and not more than thirty-two thousand, eight hundred (32,800), according to the last Federal Census."

Referred to the Committee on Education.

By Mr. Howard and Mr. Heflin:

H. B. No. 1064, A bill to be entitled "An Act authorizing cities having a population of two hundred and eighty-five thousand (285,000) inhabitants, or more, according to the last preceding or any future Federal Census, to extend by ordinance their boundary so as to include in such cities all publicly owned or publicly operated airports, flying fields, and landing fields lying within a distance of ten (10) miles in air line from the ordinary limits of such cities, and in addition thereto land lying within a distance of three thousand (3,000) feet of the exterior limits of such airports, flying fields, and landing fields; providing for intervening land to be included; authorizing such cities to pass ordinances, criminal and otherwise, under the general police powers to promote and protect the safe and efficient operations of said airports, flying fields, and landing fields and particularly the power to limit the height of any building or structure within three thousand (3,000) feet of exterior limits thereof; authorizing the policing of such territory; prohibiting taxing of property in said territory; declaring this Act to be severable, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Hull:

H. B. No. 1068, A bill to be entitled "An Act providing compensation for jail guards, matrons, jailer and turn-key in certain counties, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Ragsdale asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1065.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Ragsdale and Mr. Corry:

H. B. No. 1065, A bill to be entitled "An Act providing for the creation of an Agricultural Marketing Commission; providing for the naming of members of said Commission; and providing for their term of office and designating the Chairman of the said Commission; providing for the pay of certain members of said Commission; providing for the selection of Executive Secretary and other employees; defining the powers of said Commission; designating the numbers of petitioners necessary and stating the per cent of the volume of produce such petitioners shall represent; providing for the withdrawal of petitioners from their agreement, and defining the manner for such withdrawal; providing for the continuity of contracts; providing for the right of petition; defining grower; providing for the establishment of rules and regulations by the Commission; providing for the collection of an advertising tax; providing for the use of trademarks and labels; providing for the appointment of collaborating committees, and defining their authority under this Act; providing for the disbursement of funds; providing for the submission of reports to the Governor; providing for the deposit of funds in the State Treasury and the disposal of same by the Comptroller and Treasurer; and providing against the appropriation by the Legislature of any money except that accruing from this Act; providing penalty for the violation of the terms of contract made by virtue of this Act by the

Commission against petitioners, and declaring an emergency."

Referred to the Committee on State Affairs.

Mrs. Colson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1066.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mrs. Colson, Mr. Wright, Mrs. Gordon and Mr. Loggins:

H. B. No. 1066, A bill to be entitled "An Act making an emergency appropriation for use and benefit of the San Jacinto River Conservation and Reclamation District, and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Johnson of Tarrant asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1067.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Johnson of Tarrant:

H. B. No. 1067, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned on the Act, and for public funds, including sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security, to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Cockrell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1069.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Cockrell:

H. B. No. 1069, A bill to be entitled "An Act amending Article 4680 of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Referred to the Committee on Insurance.

Mr. Daniel asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bills Nos. 1070 and 1071.

There was no objection.

The Speaker then laid the bills before the House, they were read first time, and referred to the appropriate committees, as follows:

By Mr. Daniel:

H. B. No. 1070, A bill to be entitled "An Act amending Article 1115 of the Revised Civil Statutes of 1925 by adding as Article 1115-A, provisions for the ratification and validation of the Board of Trustees heretofore created or attempted to be created by any city or town for the owning and operating of city-owned utilities; and providing that such Board of Trustees may have management and control of such systems by ordinance, so long as any of the revenue bonds shall be outstanding and unpaid; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Daniel:

H. B. No. 1071, A bill to be entitled "An Act amending Article 2351 of the Revised Civil Statutes of 1925 by adding thereto Section 16, providing that Commissioners' Courts may use county road machinery and funds from the General Fund or Road and Bridge Funds in cleaning streams and in aiding flood control when said Court decides such improvements will be of aid to the county in the maintenance and the building of county roads, and declaring an emergency."

Referred to the Committee on Counties.

ADJOURNMENT

Mr. Bradbury moved that the House recess until 8:00 o'clock p. m., today.

Mr. Tennant moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Tennant prevailed, and the House, accordingly, at 6:25 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

State Affairs: House Bill No. 1065.

Appropriations: House Bill No. 1040; Senate Bills Nos. 427 and 453.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room.

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 544, "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, including common school districts, independent school districts, consolidated school districts, all county-line school districts in which the school building is located in such counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, rural high school districts, and all other school districts, groups, or annexations of whole districts, or parts of districts, whether created by General or Special Laws or by County Boards of Trustees; validating all proceedings and acts of said County Boards of Trustees and Board of Trustees of said districts; validating all bonds voted, authorized, and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein and heretofore authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions; providing a saving clause, and declaring an emergency."

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 125, Directing the
Enrolling Clerk of the House to
amend the caption of House Bill No.

544, by inserting a saving clause
therein.

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 126, Instructing the
Enrolling Clerk of the House of Rep-
resentatives to strike out and delete
from said House Bill No. 954, the
words and figures, "Article 6899d."

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 132, Requesting the
Governor to return House Bill No.
533 to the House of Representatives
for further consideration.

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 910, "An Act validating, ratifying, and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten (27,410), according to the last Federal Census, and where such school districts have a scholastic population, according to the 1938-1939 scholastic enumeration as shown in the Census Division of the Department of Education, of not less than one hundred (100) nor more than one hundred and thirty (130) pupils within the scholastic age; making said law cumulative of all laws now in force in this State

not in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 934, "An Act providing for the consolidation of corporations organized under Subdivision 81 of Article 1302 of the Revised Civil Statutes of Texas of 1925, or any amendment thereof; and providing for the agreement of consolidation and the manner of its approval; and for filing and recording of the articles of consolidation; and providing that nothing hereunder may modify or repeal the laws of this State relating to monopolies or trusts; and providing for the payment of supplemental franchise tax in the event said consolidation shall increase the capital stock over that of the consolidated corporations, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 8, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 991, "An Act making it unlawful to shoot, take, trap, snare, or otherwise kill any wild quail in Camp County, Texas, other than on Friday of each week during the open season and on legal holidays, during such period; affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 8, 1939

House Bill No. 910.

House Bill No. 991.

House Concurrent Resolution No. 125.

House Concurrent Resolution No. 126.

House Concurrent Resolution No. 132.

In Memory of
Judge Sam D. W. Low

Mr. Fuchs offered the following resolution:

H. S. R. No. 266, In memory of Judge Sam D. W. Low.

Whereas, During the early morning hours of Sunday, May 7th, Judge Sam D. W. Low of Brenham departed this life; and

Whereas, In the death of Judge Low the County of Washington, where he had spent his entire life, lost a faithful, courteous, affable and courageous public citizen; the State, a loyal Democrat and an outstanding character, and his family, a considerate and affectionate husband and father; and

Whereas, Judge Low served during the Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-seventh and Thirty-ninth Sessions of the Legislature, during which time he was always found aligned with those who stood for the great masses of citizenship and especially exerted himself in the interest of strict economy of government; and

Whereas, In the life of Judge Low we have an example of that character of man who met all the requirements and possessed the qualities so beautifully expressed by the poet when he wrote, "When you can dine with kings and not lose the common touch"; and

Whereas, His native County, Washington, has honored Judge Low with the office of County Judge for a period of twelve years, during which time he made an enviable and outstanding record in the reduction of the expenses of government; and

Whereas, In the illustrious and patriotic service of this distinguished gentleman all Texas has lost one of its most outstanding and colorful characters; now, therefore, be it

Resolved by the House of Representatives, That this body deeply sympathizes with the citizens of Texas and with the family of the deceased in the passing of Judge Low; and, be it further

Resolved, That when this House adjourns today, it do so in memory of and in respect for this outstanding former Member; and, be it further

Resolved, That a page in the House Journal be set aside for the recording of this resolution and that a copy of the same under the seal of the Chief Clerk be mailed to his wife, Mrs. Sam D. W. Low of Brenham, Texas, and to his son, Sam D. W. Low, Jr., of Houston, and to his stepson, Mark Swain of Gonzales, and his brother, T. A. Low of Brenham, and that when the House adjourns today, it do so in memory of this patriotic statesman, and it is so resolved.

FUCHS,
POPE,
PETSCH,
READER of Bexar,
LEHMAN,
TURNER,
RHODES,
McNAMARA,
VINT.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd,

Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Pevehouse, Piner, Ragsdale, Reader of Erath, Reaves, Reed, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Vale, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. McDonald, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of
Hon. Ernest Linwood Hardin

Mr. Goodman offered the following resolution:

H. S. R. No. 267, In memory of Hon. Ernest Linwood Hardin.

Whereas, Our Heavenly Father has called to his reward the Hon. Ernest Linwood Hardin, who was Superintendent of the Confederate Home in Austin; and

Whereas, Mr. Hardin did serve the State in this capacity for six years and was known and loved by every member of the Confederate Home and to all Sons and Daughters of the Confederacy; and

Whereas, In accordance with the laws of this State, he was the son of a gallant Confederate Soldier, Mr. Monroe Hardin who fought in the 16th North Carolina Infantry, and served faithfully and honorably; and

Whereas, Like father like son, the Hon. Ernest Linwood Hardin did serve Texas faithfully and honorably as the Superintendent of the Confederate Home, being always kind and thoughtful to our guests in the Confederate Home; therefore, be it

Resolved by the House of Representatives, That we do regret his untimely going and that we do extend to his family our deepest sympathy and remind them of the great reward that awaits their father for all his good deeds on earth; and, be it further

Resolved, That when we adjourn this day we do so in honor and memory of Hon. Linwood Hardin.

GOODMAN,
WINFREE,
BOYD,
DONAGHEY,
BLANKENSHIP,
ROBERTS,
STOLL,
LANGDON,
KINARD,
HUNT,
VOIGT,
NICHOLSON,
PINER,
HOWARD,
DOWELL,
COLEMAN,
RIVIERE,
CROSSLEY,
CELAYA,
HARP,
GORDON, MRS.,
TARWATER,
BOETHEL,
MONTGOMERY,
ISAACKS,
BROADFOOT,

SPENCER,
OLIVER,
McALISTER,
BRADFORD,
SEGRIST,
KERR,
ROBINSON,
MOHRMANN,
COLSON, MRS.,
HARPER,
SCHUENEMANN,
HAMILTON,
TAYLOR,
POPE,
FERGUSON,
DAVIS of Jasper,
RUSSELL,
PACE,
WELDON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Bond, Boyer, Bradbury, Bray, Bridgers, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Chambers, Clark, Cleveland, Cockrell, Colquitt, Cornett, Corry, Daniel, Davis of Upshur, Dean, Derden, Dickison, Dickson, Dwyer, Faulkner, Felty, Fielden, Fuchs, Galbreath, Gilmer, Hale, Hankamer, Harde-
man, Hardin, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howington, Hull, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kersey, King, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McDaniel, McDonald, McFarland, McMurry, McNamara, Monkhouse, Morris, Newell, Petsch, Pevehouse, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Roach, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Stinson, Talbert, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Waggoner, Wells, Westbrook, White, Wilson, Wood, Worley and Wright.

On motion of Mr. Thornberry, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.